NON-CIRCULA

SENATE JOURNAL

OF THE

ELEVENTH SESSION

OF THE

Legislative Assembly

OF THE

STATE OF MONTANA

Convened at Helena, the Capital of said State, on the Fourth Day of January, A. D. 1909, and Concluded on the Fourth Day of March, A. D. 1909.

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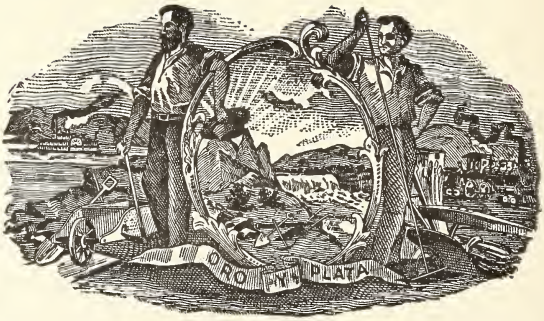
ORO Y PLATA

STATE SENATORS.

NAME.	Politics.	County.	Postoffice Address.
Albright, Jacob	Rep	Madison	Virginia City
Annin, J. B	Rep	Yellowstone	Columbus
Cardwell, Edward	Dem	Jefferson	Jefferson Island
*Cockrell, W. M	Dem	Powell	Deer Lodge
*Conrow, John M	Dem	Park	Livingston
Cowgill, William	Rep	Teton	Choteau
*Daly, Patrick J.	Dem	Deer Lodge	Anaconda
Donlan, Edward	Rep	Missoula	Missoula
Edwards, J. E	Rep	Rosebud	Forsyth
Everett, T. M	Rep	Chouteau	Harlem
Fairbanks, C. E	Rep	Sanders	Plains
Haviland, W. H	Dem	Silver Bow	Butte
*Kessler, Charles N	Rep	Lewis and Clark	Helena
Long, Thomas D	Dem	Flathead	Kalispell
Metcalf, George	Rep	Granite	Philipsburg
*Meyer, W. F	Rep	Carbon	Red Lodge
Muffley, Charles S	Dem	Broadwater	Winston
*McCarthy, J. C	Dem	Gallatin	Bozeman
*McCone, George	Rep	Dawson	Glendive
*McDonnell, Charles	Rep	Sweet Grass	Melville
Rae, H. M	Rep	Fergus	Gilt Edge
Romney, Miles	Dem	Ravalli	Hamilton
Sanders, James	Rep	Cascade	Great Falls
*Selway, E. O	Rep	Beaverhead	Dillon
*Sykes, Harrison N	Rep	Custer	Ekalaka
*Tooley, C. P	Rep	Meagher	Two Dot
Truscott, J. L	Dem	Valley	Glasgow

* Holdovers, Elected 1908.

NATHAN GODFREY, Secretary.

HOUSE OF REPRESENTATIVES.

NAME.	Politics.	County.	Postoffice Address.
Allen, W. J.	Dem.	Deer Lodge	Anaconda
Arnett, Frank C.	Rep.	Valley	Culbertson
Bogart, D. D.	Rep.	Missoula	Missoula
Brewster, Geo. W.	Rep.	Rosebud	Birney
Berkin, John	Dem.	Silver Bow	Butte
Burke, Ed	Dem.	Deer Lodge	Anaconda
Butzerin, Albert	Rep.	Missoula	Missoula
Byrnes, Owen	Dem.	Lewis and Clark	Marysville
Christler, L. J.	Dem.	Chouteau	Havre
Clayberg, H. L.	Dem.	Lewis and Clark	Helena
Cluston, William	Dem.	Cascade	Great Falls
Coit, A. B.	Rep.	Sweet Grass	Big Timber
Connelly, Frank B.	Rep.	Yellowstone	Billings
Crouch, Samuel J.	Dem.	Broadwater	Three Forks
Crutchfield, Chas. M.	Dem.	Ravalli	Hamilton
Cummings, Hugh T.	Rep.	Granite	Drummond
Cummings, T. A.	Rep.	Chouteau	Fort Benton
Derry, Chas. A.	Rep.	Missoula	Missoula
Dowling, P. F.	Dem.	Jefferson	Basin
Duncan, M. M.	Dem.	Madison	Virginia City
Edgerton, John	Rep.	Lewis and Clark	Helena
Eliel, Frank	Rep.	Beaverhead	Dillon
Elliott, W. T.	Dem.	Powell	Race Track
Frank, H. A.	Dem.	Silver Bow	Butte
Garber, J. D.	Dem.	Sanders	Plains
Gibson, Fred L.	Rep.	Park	Livingston
Giovanetti, Henry	Dem.	Silver Bow	Meaderville
Gray, A. H.	Rep.	Cascade	Great Falls
Groff, H. Clay	Dem.	Ravalli	Victor
Hall, Harry	Rep.	Lewis and Clark	Helena
Hammond, J. S.	Dem.	Silver Bow	Butte
Hanifen, T. J.	Dem.	Granite	Drummond
Hayes, John	Dem.	Cascade	Great Falls
Harbert, James	Rep.	Flathead	Kalispell
Hunter, James	Rep.	Custer	Miles City
Hutchinson, E. M.	Rep.	Flathead	Whitefish
Jacobson, Martin	Rep.	Teton	Cut Bank
Kelsey, S. R.	Rep.	Custer	Brandenburg
Kilgallon, T. S.	Dem.	Silver Bow	Butte
King, James	Dem.	Silver Bow	Butte
Largey, E. C.	Dem.	Silver Bow	Butte
Lehrkind, Carl	Dem.	Park	Livingston
Lowney, Pat	Dem.	Silver Bow	Butte
Maxwell, D. C.	Rep.	Dawson	Glendive
Metzel, Frank S.	Rep.	Madison	Metzelson
Mitchell, Harold G.	Dem.	Deer Lodge	Warm Springs
Murray, J. T.	Rep.	Beaverhead	Wisdom
McDowell, W. W.	Dem.	Silver Bow	Butte
MacGinniss, John	Dem.	Silver Bow	Butte
McCoy, C. E.	Dem.	Gallatin	Belgrade
Norton, T. J.	Dem.	Silver Bow	Butte
O'Donnell, Neil	Dem.	Silver Bow	Walkerville
Owenhouse, E. J.	Dem.	Gallatin	Bozeman
Pierson, George W.	Dem.	Carbon	Red Lodge
Pomeroy, H. C.	Rep.	Flathead	Kalispell
Roy, Joseph S.	Dem.	Deer Lodge	Anaconda
Safley, George R.	Rep.	Gallatin	Bozeman
Shaw, S. A.	Rep.	Meagher	Harlowton
Shoemaker, J. A.	Rep.	Lewis and Clark	Helena
Smith, Dr. C. W.	Rep.	Fergus	Kendall
Thompson, Rufus B.	Rep.	Fergus	Lewistown
Swick, C. L.	Rep.	Deer Lodge	Anaconda
Ward, William E.	Dem.	Cascade	Great Falls
Warren, Fred R.	Dem.	Jefferson	Whitehall
Whaley, William C.	Dem.	Broadwater	Bedford
Werner, J. A.	Rep.	Lewis and Clark	Helena
White, Harrie W.	Rep.	Deer Lodge	Gold Coin
Wilham, V. E.	Dem.	Jefferson	Clancy
Witmer, M. A.	Rep.	Lewis and Clark	Helena
Wood, James T.	Rep.	Meagher	White Sul. Spr'gs.
Woody, F. H.	Dem.	Missoula	Missoula

One tie in Cascade County.
One tie in Madison County.

CHARLES Z. POND, Chief Clerk.

Index to Senate Journal.

INDEX TO SENATE BILLS.

NO.	TITLE OF ACT	PAGE
1	A bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana, an amendment to Section 9 of Article XII, of the Constitution of the State of Montana, relating to revenue and taxation."	11, 42.
2	A bill for an Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State Educational Institutions, and from the leasing of lands granted by the Federal Government to such institutions, to be known and designated as the Interest and Income Funds of each of such institutions; reducing the appropriations from the general fund; and providing for reports by said educational institutions of all moneys received from appropriations made to them under the laws of the United States.	11, 80, 92, 111, 118, 126, 366, 371, 379, 393, 413, 422.
3	A bill for an Act entitled, "An Act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accomodation or transportation of any person or property, or the transmission of any message or communication, and providing penalty for the violation thereof."	12, 64.
4	A bill for an Act to punish book-making and pool selling by unlicensed persons, to provide for the issuance of such license and disposal of the funds arising from such license.	16, 83.
5	A bill for an Act to amend Section 2897 of the Revised Codes of Montana, concerning the duty of County Commissioners to contract for county printing.	16, 35, 87, 175, 178, 185.
6	A bill for an Act to amend Section 51 of the Revised Codes of Montana, concerning the term of office of Senators and Representatives.	16, 54, 72, 76, 98, 99, 106, 217, 230, 241, 243.
7	A bill for an Act to amend Section 2759 of the Revised Codes of Montana, concerning the licenses of retail liquor dealers.	16, 113.

NO.	TITLE OF ACT	PAGE
8	A bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff and prescribing his duties and fixing his compensation.	16, 42, 52, 62, 63, 119.
9	A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the different counties in the State of Montana of a candidate for Senator in Congress for Montana for each political party in said state."	16, 52, 53, 87, 98, 99, 106.
10	A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of detectives; and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party."	16, 48, 59, 70, 71, 78, 200.
11	A bill for an Act entitled, "An Act to amend Section 4216 of the Revised Codes of the State of Montana so as to increase the maximum par value of the shares of stock of co-operative associations; permitting co-operative associations to divide its shares of stock into classes and to legalize its stock heretofore issued in classes of different par values." ...	16, 36, 52, 62, 63, 65, 71, 78, 79, 80, 82, 86, 169, 176, 178, 243, 259.
12	A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."	16, 36, 42, 52, 61, 63, 65, 76, 153, 160, 172, 178, 243.
13	A bill for an Act entitled, "An Act to amend Section 3003 and Section 3257, of the Revised Codes of Montana, relating to the deposit and control of public money in the possession of county and city treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers."	16, 36, 59, 70, 71, 78, 86.
14	A bill for an Act providing that mortgages of real or personal property shall not be subject to taxation.	21, 42, 62, 63, 70, 71, 78, 79, 418, 423.

NO.	TITLE OF ACT	PAGE
15	A bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer."	21, 35, 52, 62, 63, 65, 77, 148, 152, 169, 172, 178, 243.
16	A bill for an Act entitled, "An Act exempting from sale coal in state lands."	21.
17	A bill for an Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of judges.	21, 42, 52, 62, 63, 70, 71, 78, 79, 153, 333, 334, 360, 366, 371, 374, 420.
18	A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition—either by construction, purchase or otherwise—and for the maintenance and control thereby of works, water, property, and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expense of such districts; and to extend and apply the provisions of this Act to irrigation districts of the state heretofore organized or in process of organization under existing laws; and to repeal, with certain reservations, the provisions of Section 2309 to 2402 both inclusive of Title X, Part III, of the Revised Code of Montana of 1907."	26, 28, 87, 98, 99, 164, 170, 171, 173, 176, 346, 354, 365, 412, 413.
19	A bill for an Act entitled, "An Act for the relief of the widow and minor children of Charles B. Peyton, a Deputy State Game Warden, who was killed while in the performance of his official duty by Indians on the 18th day of October, 1908."	26, 36, 52, 62, 63, 65, 77.
20	A bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana, of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated."	33, 43, 52, 62, 63, 65, 77, 169, 184, 187, 206, 222, 243.
21	A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes."	34, 43, 52, 62, 63, 78, 80, 87, 91, 100, 212.

NO.	TITLE OF ACT	PAGE
22	A bill for an Act entitled, "An Act to create and establish a Legislative Reference Bureau, designating its members, defining its powers and duties, providing for assistant librarians in connection therewith, and fixing their salaries.	34, 49, 63, 71, 128, 155, 173, 197.
23	A bill for an Act entitled, "An Act to amend Sections 149, 168, 194, 186, and 175, of the Revised Codes of Montana, of 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor and State Treasurer.	34, 113, 138, 171, 178, 197.
24	A bill for an Act entitled, "An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau, by counties and by chambers of commerce, commercial bodies, farmers institutes, co-operative societies of farmers, state federated trade unions, and other industrial associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriations by counties and by the state to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said bureau.	34, 81, 99, 111, 118, 126, 322, 328, 338, 342, 346, 357, 398, 412.
25	A bill for an Act entitled, "An Act to regulate the fees or compensation allowed to all state and county officers, jurors, witnesses and others who travel at the public expense as traveling expenses.	34, 54, 72, 76, 118.
26	A bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another."	34, 72, 92, 106, 129, 155, 159, 172, 200.
27	A bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana, to equip its locomotive engines with electric headlights of not less than 1500 candle power without the aid of a reflector, or other headlights of not less than 1500 candle power without the aid of a reflector, and providing penalty for the violation of this Act."...	41, 64, 87, 98, 99, 105, 126, 127, 217, 230, 241, 243.

NO.	TITLE OF ACT	PAGE
28	A bill for an Act entitled, "An Act relative to commission merchants or persons selling agricultural and horticultural products, or farm produce, on commission."	41, 43, 52, 62, 63, 65, 77, 128, 138, 166, 243.
29	A bill for an Act entitled, "An Act requiring all state, county and other public officers to furnish official bonds executed by some surety company authorized to do business in the State of Montana.	41
30	A bill for an Act entitled, "An Act to provide for the issue and sale by the State Board of Examiners, of Bonds for the purpose of erecting wings to the State Capitol Building; and to provide for the erection of said wings under authority and direction of the State Board of Examiners."	41, 63, 92, 106, 110, 112, 306, 307, 316, 327, 355, 403.
31	A bill for an Act entitled, "An Act relating to banks and banking; providing for conversion from a state bank to a national bank; and surrender of its charter as a state bank and transfer of its property; providing for an increase or decrease. in the capital stock of such a bank; providing for conversion from a national to a state bank."	46, 75, 106, 118, 127, 204, 292, 296, 303, 333.
32	A bill for an Act entitled, "An Act to detach Teton County from the eleventh judicial district and attach it to the eighth judicial district and to provide for an additional judge for the eighth judicial district so that there will hereafter be two judges in the said eighth judicial district, one of whom shall keep his chambers at Chouteau, Teton County."...	46, 64, 87, 98, 99, 106, 111, 227, 228, 230, 240, 244, 262, 265.
33	A bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to the questions to be put to electors and cancelling of registration of electors.".....	46, 93, 94, 118, 136, 137, 141, 156, 227, 230, 244, 260, 262.
34	A bill for an Act prohibiting marriage between white persons, and negroes, persons of negro blood, and between white persons, Chinese, and Japanese, and making such marriage void, and prescribing punishment for solemnizing such marriages.	46, 72, 78, 99, 106, 112, 129, 155, 159, 171, 239, 257, 258, 281, 282, 287, 291, 303, 386.

NO.	TITLE OF ACT	PAGE
35	A bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors."	46, 93.
36	A bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of domestic corporations, and exempting state banks, trust companies and building and loan associations from its requirements.	46, 75, 92, 118, 127, 137, 141, 156, 227, 228, 230, 312, 379, 422, 423.
37	A bill for an Act entitled, "An Act providing that the first judicial district shall hereafter be composed of the counties of Lewis and Clark and Jefferson, and the fifth judicial district shall hereafter be composed of the counties of Beaverhead and Madison."	51, 246, 283.
38	A bill for an Act entitled, "An Act to amend Sections 3259, 3278, 3285, 3288, and 3289 of Article 4, Chapter 3, Part 4, of the Political Code of Montana, of the compilation of 1907."	57, 139, 199, 214, 215, 264.
39	A bill for an Act entitled, "An Act to provide for the appointment of a State Board of Veterinary Medical Examiners, describing their duties and powers and regulating the practice of Veterinary Medicine within the State of Montana,"	57, 78.
40	A bill for an Act entitled, "An Act amending Section 5726 of the Revised Codes of Montana, of 1907, relating to chattel mortgages."	61, 80, 230.
41	A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Code covering regulations of the practice of medicine and examination of applicants."	69, 93, 136, 137, 155, 156, 298.
42	A bill for an Act entitled, "An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana, of 1907, concerning farmers' institutes."	69, 82, 92, 106, 110, 112, 193, 206, 222, 243.
43	A bill for an Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed.	69, 80, 92, 106, 110, 112, 227, 230, 235, 244, 260.
44	A bill for an Act entitled, "An Act to prevent the issuance of a pass or other free transportation by	

NO.	TITLE OF ACT	PAGE
	any common carrier, within the State of Montana, except to certain persons and to prevent the acceptance of such free transportation."	69.
45	A bill for an Act entitled, "An Act concerning convicts under sentence of death, and to repeal Sections 9383, 9384, 9385, 9386, 9387, 9388, 9391, 9393, and 9394, of the Revised Codes of Montana, of 1907."	74, 246, 296, 336, 337, 338, 341.
46	A bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana of 1907, relating to the manner in which insurance companies, associations, or partnerships may transact business in the State of Montana."	74, 82, 106, 110, 112, 227, 230, 232, 244, 260, 262.
47	A bill for an Act entitled, "An Act prohibiting rebating and discrimination by life insurance companies and providing penalties therefor, and prohibiting the issuance of special or advisory board contracts and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142, and 4143 of the Revised Codes of the State of Montana, of 1907."	74, 82, 99, 117, 118, 127, 137, 193, 207, 224, 243.
48	A bill for an Act entitled, "An Act to amend Section 843, of the Revised Codes of Montana, of 1907, relating to the division of funds, property and debts between old and new school districts."	85, 92, 118, 136, 137, 141, 156.
49	A bill for an Act entitled, "An Act to amend Section 2654 of the Revised Codes of Montana, of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought."	85, 139, 236, 255, 259, 260, 261, 319, 326, 330, 386.
50	A bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana, of 1907, relating to the powers and duties of the State Coal Mine Inspector."	85, 140, 183, 196, 197, 198, 204, 232, 234, 319, 326, 330.
51	A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribing the rights and duties and fixing the compensation of such Board of Examiners, and the	

NO.	TITLE OF ACT	PAGE
	manner of appointing said Coal Mine Inspector of the State of Montana."	85, 141, 147, 183, 196, 197, 204, 230, 232, 233, 319, 338, 339, 355, 403.
52	A bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office, and providing for the salaries of such boards."	86. 144, 147, 183, 196, 197, 204, 231, 232, 234, 319, 343, 355, 403.
53	A bill for an Act to prohibit the running or conducting of dances in public dance-halls, or other public places of amusement, on Sunday, and to provide penalties for the violation thereof.....	86, 87, 108, 117, 118, 127, 175.
54	A bill for an Act entitled, "An Act to determine liability of persons or corporations operating mines, smelters or mills in this State for damages sustained by employees thereof, and to declare void contracts restricting liability."	90, 139.
55	A bill for an Act entitled, "An Act to amend Section 2682 of the Revised Statutes of Montana, of 1907, relating to the sale of real-estate for delinquent taxes."	90, 92 118, 137, 141, 155, 412, 413, 420.
56	A bill for an Act entitled, "An Act to create a State Accident Insurance, and Total Permanent Disability Fund, for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor and fixing penalties for the violation of the provisions of this Act."	91, 169. 199, 204, 223, 232, 234, 319, 343, 355, 403.
57	A bill for an Act entitled, "An Act to regulate bookmaking and pool selling upon contests of skill, speed and endurance; requiring a license to engage therein; providing penalties for the violation thereof, and to repeal Section 2769, Revised Codes of Montana, of 1907."	91, 92, 118, 137, 141 156.
58	A bill for an Act entitled, "An Act to establish a system of examination for master and journey-men plumbers, fixing the fees to be charged for licenses, and the disposition of the fund thus created, and pro-	

NO.	TITLE OF ACT	PAGE
	viding the penalties for the violation of the provisions of this Act."	91, 130, 204, 237, 250, 255, 276, 284, 285, 294.
59	A bill for an Act entitled, "An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection, and disposition of the timber growing thereon and the coal, oil and minerals therein; providing for the management and control of the funds realized from the sale and rental of state lands, and the products thereof; naming and providing for certain officers subordinate to the State Board of Land Commissioners and prescribing their duties and compensation; providing for the acquisition of water rights for use upon state lands; and defining and providing for the punishment of certain offenses, for violating the provisions of this Act."	97, 130 223, 242, 250, 276, 295, 379, 384, 387, 393, 423.
60	A bill for an Act entitled, "An Act to amend Sections 1025, 1028, and 1029 of the Revised Codes of Montana, of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercises.	97, 108, 138, 171, 178, 185, 269, 276. 285, 293, 312.
61	A bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana of 1907, in regard to the furnishing of intoxicating liquors to habitual drunkards, minors or Indians."	104, 176 269, 220, 223, 232, 298.
62	A bill for an Act entitled, "An Act to amend Sections 1711 and 1712 of the Revised Codes of Montana, of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines."	104, 110, 138, 171, 178, 185, 306, 336, 378, 398, 404, 412.
63	A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1580, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal certain sections relating to the practice of dentistry in the state, and to provide for further regulations with reference to the practice of dentistry in the said State of Montana."	882 104, 211, 236, 255, 259, 265 273, 420, 423.
64	A bill for an Act entitled, "An Act to amend Section 4308 of the Revised Codes of 1907 relating to the killing of livestock by railway corporations."	104, 119, 157, 175, 178, 185, 270.

NO.	TITLE OF ACT	PAGE
65	A bill for an Act to create the county of Lincoln, designate its boundaries and provide for its organization and government."	104, 221, 241, 242, 243, 403, 406, 410.
66	A bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana, of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County Commissioners."	104, 113, 138, 171, 178, 185 236, 258, 265, 275, 276, 288, 333.
67	A bill for an Act entitled, "An Act to prevent discrimination by Surety Companies."	109, 119, 157, 175, 185, 306, 307, 311, 312, 314, 333.
68	A bill for an Act entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowment investment companies," approved March 7, 1905, and now being Chapter IV, of Title II, of Part IV, of Division I, of the Civil Code of the Revised Codes of Montana of 1907, so that such companies may, under conditions prescribed, guaranty the fidelity and performance of duty by others and certify and guaranty the title to real estate, and make or guaranty bonds and undertakings; and providing for the manner of assessment of such companies for taxation."	109, 119, 157, 175, 178 185, 327, 328.
69	A bill for an Act to amend Paragraph Three, of Section 699, Article VI, Chapter VII, of the Political Code, relating to taking the school census, and providing penalties.	109, 204, 245, 264, 290, 294, 297, 301.
70	A bill for an Act to amend Section 904 of the Revised Codes of Montana, of 1907, relating to construction of teacher's contract with respect to legal holidays.	124, 159, 183, 196, 197, 198, 205, 269, 276, 285, 293, 312.
71	A bill for an Act entitled, "An Act concerning the payment of deposits in bank in trust."	120, 124 157, 175, 178, 186, 292, 296, 303, 333.
72	A bill for an Act entitled, "An Act to provide more fully for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs, providing for the inspection thereof by the State Engineer and for his expenses with relation thereto."	124.

NO.	TITLE OF ACT	PAGE
73	A bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana, of 1907, concerning the investment of the funds of the State Normal School, Permanent University Funds, Permanent Agricultural College, and Permanent School Funds."	125, 237, 255, 276, 284, 294, 297, 301, 370, 394, 404, 412.
74	A bill for an Act entitled, "An Act to provide for the creation and appointment of a commission to determine the reasonable value of the property belonging to the former contractors with the State of Montana, for the care, custody and control of the state prison and prisoners therein confined, and what property such contractors should be taken over and purchased by the State."	125, 187, 204.
75	A bill for an Act entitled, "An Act to authorize and and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College, at Bozeman, Montana."	125 188, 209, 220, 223, 232, 319, 326, 330, 332.
76	A bill for an Act entitled, "An Act relating to the government, management and control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind and State Reform School and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264, of the Revised Codes of Montana, of 1907.	125, 172, 199, 214, 215, 223, 233, 357, 379, 389, 398, 412.
77	A bill for an Act requiring persons elected as directors of corporations to file acceptance of office; forbidding corporations to hold out anyone as a director without such acceptance having been filed, and amending Section 3835 of the Revised Codes of Montana, of 1907, relating to election of Directors, and fixing penalties.	135, 199, 223, 242 244, 250.
78	A bill for an Act entitled, "An Act to amend Section 9611 of the Revised Codes of Montana, of 1907, relating to criminal judgments in justices and police courts."	135, 140, 183, 196, 198, 205, 249.

NO.	TITLE OF ACT	PAGE
79	A bill for an Act entitled, "An Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever."	135, 190, 209, 220, 223, 233, 366, 371, 394, 404.
80	A bill for an Act entitled, "An Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital, or insolvency of banks and duties of State Bank Examiner.	135 238, 255, 276, 284, 285, 287, 295, 351, 359, 398.
81	A bill for an Act entitled, "An Act to secure liens to mechanics, laborers, horseshoers and wagon builders and repairers."	135, 159, 187, 204.
82	A bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of the State of Montana, relating to the foreclosure of chattel mortgages."	154.
83	A bill for an Act entitled, "An Act to provide for the taxation of sleeping car companies and providing the method of fixing the same.	154.
84	A bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 3 of Article XII, of the Constitution, relating to taxation of mines and mining claims."	154.
85	A bill for an Act entitled, "An Act to regulate and control corporations, companies, associations, and persons owning, controlling, or operating a line or lines, a system or systems of telegraph or telephones in whole or in part, within this state, and to change, fix, determine and regulate the rates, fares, rentals, tolls, charges, classifications, regulations and conditions to be imposed, and services affecting the transmittal and delivery of messages, and the rents and charges for the use of any such line, or lines, system or systems, instrument or instruments, or appliances, and placing such corporations, companies, associations and persons under control of the Board of Railroad Commissioners of this State, and giving and imposing upon such board, powers and duties to change, fix, determine and regulate, such rentals, charges, fares, tolls, classifications and services, together with the power and duty to fix, change, determine and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and persons, also to prevent discriminations."	154, 210, 236, 244, 250, 265, 273.

NO.	TITLE OF ACT	PAGE
86	A bill for an Act entitled, "An Act to provide for the payment of the actual expenses of county assessors incurred in the performance of official duty."	154, 157, 199, 215, 223 233, 319, 326, 330, 333.
87	A bill for an Act entitled, "An Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the methods for the restriction and prevention of such diseases."	154, 158, 183, 196, 197, 198, 205, 269, 275, 276, 288, 312.
88	A bill for an Act to amend Section 1794 of the Revised Codes of Montana, of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.	169, 181, 209, 220, 223, 233, 378, 395 404, 412.
89	A bill for an Act to amend Section 1661, and Section 1664 of the Revised Codes of Montana, 1907, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection.	182, 207, 223, 242, 244, 250, 292, 296, 303, 312.
90	A bill for an Act entitled, "An Act to amend Sections 4256, 4257, 4262, 4264, and 4266 of the Revised Codes of Montana, of 1907, relating to cemetery associations."	183, 199, 236, 244, 250, 255, 260 420, 423.
91	A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer and pay over to him moneys by them collected under authority of law, at least once each month or when directed by the State Board of Examiners."	183, 208, 236, 244, 250, 255, 260.
92	A bill for an Act entitled, "An Act to amend Section 188 of the Revised Codes of Montana, of 1907, relating to the quarterly report of the State Treasurer."	183, 208, 244, 250, 255, 260, 321.
93	A bill for an Act entitled, "An Act relating to banks and banking and trust deposit and security companies and creating a depositors' guaranty fund."	183, 210.

NO.	TITLE OF ACT	PAGE
94	A bill for an Act entitled, "An Act to create the county of Stillwater, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between said county of Stillwater and the counties of Carbon, Sweet Grass and Yellowstone."	183, 276, 329, 336, 337 338.
95	A bill for an Act entitled, "An Act providing that the Coroner of the County wherein the State Prison is located, may hold an inquest over the body of deceased prisoners; and providing for the expenses of such inquests."	183, 207, 223, 244, 250, 255, 261, 378, 380, 395, 404.
96	A bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State Prison."	183, 190, 209, 220, 223, 233, 378, 394, 404.
97	A bill for an Act to amend Sections 825 and 846 of the Revised Codes of Montana, of 1907, and providing for the instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of School District Trustees and providing for penalties for the failure to make such reports.	194, 209 223, 242, 244, 251, 420, 423.
98	A bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes in relation to the election of school trustees and the classification of school districts."	194, 209, 223, 242.
99	A bill for an Act entitled, "An Act to amend Section 2047 of the Revised Codes of Montana, of 1907, relating to local option.	194, 211, 236, 241, 242, 244, 250, 292, 296, 303, 316.
100	A bill for an Act to amend Section 1171 of the Revised Codes of Montana, of 1907, relating to the admission, care and retention of persons and children in the Montana School for the Deaf, Blind and Feeble Minded at Boulder, Montana.	195, 208, 236 244, 250, 255, 261, 413, 418, 420.
101	A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana, of a candidate for Senator in Congress for each political party in said state."	195, 280.

NO.	TITLE OF ACT	PAGE
102	A bill for an Act entitled, "An Act to prohibit persons from bringing intoxicating liquors into houses of prostitution or causing the same to be done, and providing punishment for the same."	203, 223, 255, 280.
103	A bill for an Act entitled, An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, of 1907, being Sections 370 and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, and repealing Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure, of the State of Montana, of 1895, relating to Stenographers of the District Courts, their duties, qualifications and compensation."	203, 208, 236, 276, 284, 285, 287, 295, 318.
104	A bill for an Act entitled, "An Act ot provide for party nominations by direct vote."	203 278.
105	A bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Codes of the State of Montana, relative to the registration of births and deaths."	203, 211, 236, 105, 250, 255, 260, 420, 423.
106	A bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340 and 7341 of the Revised Codes of Montana, relating to eminent domain."	214, 289.
107	A bill for an Act providing the conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana.	214, 262, 296, 304, 309, 310.
108	A bill for an Act requiring Sheriffs and Constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien.	219, 245, 264, 276, 284, 285, 287 295, 318.
109	A bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto, of the money derived from Forest Reserves in the State of Montana, under an Act of Congress approved June 30, 1906."	228, 277, 304, 313, 322, 323, 324, 420, 423.
110	A bill for an Act to amend Section 918 of the Revised Codes of Montana, of 1907, relating to the establishment of county free high schools.	228, 255, 264, 294, 295, 298.

NO.	TITLE OF ACT	PAGE
111	A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime; to employ, or authorize the employment of stock inspectors, and to employ or authorize the employment, of special counsel in criminal actions and in actions in which the county is a party." ...	228, 231, 255, 259, 260, 261, 334, 339, 343, 355, 386.
112	A bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts and of articles of incorporation and stock certificates of water user's associations organized under the national reclamation Act, and prescribing the fees for such recording."	228, 236, 255, 264, 270, 273, 379, 398, 403.
113	A bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing his qualifications and duties, fixing the penalties for violation of this Act, and fixing his compensation and relating to the protection of the industry of Horticulture; and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, and 1947, of the Revised Codes of Montana, 1907."	228, 241, 244, 264, 290, 294, 297, 301, 330, 413, 418, 421.
114	A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana."	241, 254, 420.
115	A bill for an Act entitled, "An Act to create the fourteenth judicial district of the State of Montana, to be composed of the County of Valley; to change the boundaries of the twelfth judicial district of the State of Montana, to conform thereto, and to provide for the appointment, powers, duties and compensation, and term of office of the judge of said judicial district."	249, 263, 296.
116	A bill for an Act entitled, "An Act to amend Section 5332 of the Revised Codes of the State of Montana, of 1907, relating to common carriers."	249, 263, 296.
117	A bill for an Act entitled, "An Act to create the County of Highwood, designate its boundaries and provide for its organization and government."	249, 276.

NO.	TITLE OF ACT	PAGE
118	A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Codes of Montana, of 1907, to annually provide free vaccination of pupils and teachers attending or employed at any school in the State of Montana, by a legally qualified physician and surgeon to be designated and paid out of the general fund by the Board of County Commissioners of each county, the designation of such physician and surgeon to be approved by the State Board of Health."	258, 264, 296. 304, 309, 310.
119	A bill for an Act entitled, "An Act to provide for an additional judge for the fifth judicial district of the State of Montana, so that there will hereafter be two judges in said district."	258, 263, 296, 304, 309, 310, 346, 352, 413, 418, 420.
120	A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy clerks and sheriffs."	259, 297, 313, 327, 330, 332, 410, 413, 420.
121	A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, relating to salaries of deputies and classification."	271, 285, 304, 313, 322, 323, 324.
122	A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana, of a candidate for Senator in Congress for Montana, for each political party in said state."	271, 304. 313, 322, 323, 325, 378, 380.
123	A bill for an Act entitled, "An Act regulating and governing contracts relative to the shipping of livestock and the giving of notice or claim for loss or damage thereto."	271, 283, 304, 313, 322, 323, 325, 420, 422, 423.
124	A bill for an Act, providing for the submission to the electors of the State of Montana an amendment to Section 5, Article XVI, of the Constitution of the State of Montana, relating to the election and duties of county officers.	282.
125	A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grandstand of the Montana State Fair."	282, 293, 304, 313, 322, 323, 325, 415, 418, 420.
126	A bill for an Act entitled, "An Act to promote industrial education."	293, 308, 329, 336, 337, 338, 340.

NO.	TITLE OF ACT	PAGE
127	A bill for an Act entitled, "An Act providing for the appointment of an Assistant State Treasurer and a Deputy State Treasurer, prescribing their duties, and fixing their compensation."	300, 304, 329, 336, 337, 338, 340.
128	A bill for an Act entitled, "An Act to amend Section 1, of an Act relating to the granting of franchises by cities and towns and providing a submission of the question of granting any franchises to the resident freeholders whose names shall appear on the city or county tax roll preceding such election," passed by the eighth legislative assembly of the State of Montana, and approved March 5, 1909. ..	307.
129	A bill for an Act entitled, "An Act to establish, locate and construct a state road and to employ convicts in the construction and maintenance thereof." ..	308, 315, 343, 348, 352, 354.
130	A bill for an Act entitled, "An Act to approve, confirm and ratify sales of State Lands heretofore made."...	319, 322, 329, 336, 337, 338, 340, 404.
131	A bill for an Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the travelling public and employees upon railway trains, and to confer upon the railroad commission of Montana certain powers in relation thereto."	329, 332, 343, 348, 352, 354, 420, 423.
132	A bill for an Act entitled, "An Act prohibiting lobbying by heads of state institutions and county officers."	377, 378, 381, 390, 395.

INDEX TO SENATE JOINT MEMORIALS AND RESOLUTIONS.

NO.	TITLE OF ACT	PAGE
1	Requesting Congress to obtain proper estimates through the War Department, of the requirements for the permanent, general improvement of the Missouri river.	104, 177, 209, 220, 221, 420, 423.
2	Relating to the creation of Glacier Park	195, 211, 217, 220, 248, 251, 266, 275.
3	Relative to the appointment of a committee to meet the Hon. J. Frank Hanley upon his arrival in Helena and extend to him an invitation to address the Joint Legislative Assembly.	136, 153, 167.
4	Inviting the Trans-Mississippi Dry Farming Congress to hold its next anual session at Billings, Montana.	154, 184.
5	Relative to adjournment of the Eleventh Legislative Assembly.	253, 258, 404, 413, 418.
6	Relative to the creation of a new division of the Railroad Mail Service.	271, 298, 313, 315, 322, 323, 325, 420, 423.
	Sub. for H. C. R. 6: Relative to the classification of the mineral lands in the Northern Pacific land grant.	322, 323, 324, 379, 397, 404, 413.

Memorials.

4	Memorializing Congress to donate certain unappropriated lands of the U. S. to certain state institutions of Montana.	184, 370.

Joint Resolutions.

2	Authorizing the Committee on Land Investigation to employ an attorney.	111.

INDEX TO HOUSE BILLS.

NO.	TITLE OF ACT	PAGE
2	A bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or of beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported, or registered and providing for the branch of the same."	14, 121, 212, 214, 215, 216, 220, 243.
3	A bill for an Act entitled, "An Act to amend Section 611 of the Revised Codes, relating to the use of voting machines in counties and cities."	14, 57, 81, 84, 93, 106, 111, 117, 149, 158.
5	A bill for an Act to amend Section 1413 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges.	21, 108, 110, 160, 175, 186, 210.
10	A bill for an Act entitled, "An Act appropriating money for the erection, furnishing and equipment of a hospital at the Montana School for the Deaf, Blind and Feeble Minded, at Boulder, Montana."	24, 25, 328, 362, 364, 385, 404, 405, 406, 422.
11	An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana.	24, 25, 37, 45, 46, 47, 54.
12	An Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.	25, 37, 45, 46, 47, 48, 54.
13	An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly, of the State of Montana.	25, 37, 45, 46, 47, 48, 54.
17	A bill for an Act to amend Sections 861 and 863 of the Civil Code, being Sections 4225 and 4226 of the Revised Codes of 1907, relating to religious, social, and benevolent corporations, and providing that two or more religious, social or benevolent corporations may incorporate conjointly.	25, 26, 414, 415, 416, 417, 423.

NO.	TITLE OF ACT	PAGE
19	A bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part III, Title II, of the Political Code of the State of Montana, relating to the duties of the canvassing board."	32, 346, 348, 367, 381, 390, 399, 420.
21	A bill for an Act to provide for the taxation of mortgages of real property.	32, 293, 294, 335.
23	A bill for an Act to amend Section 6364, Revised Codes of Montana, of 1907, relating to the empannelling of grand juries.	32, 270, 272, 290.
25	A bill for an Act to approve, legalize and adopt the division and arrangement of the Revised Codes of Montana, of 1907.	33, 66, 69, 99, 106, 111, 117, 128.
26	A bill for an Act entitled, "An Act to provide for party nominations by direct vote."	33, 193, 194, 195, 196.
28	A bill for an Act making an appropriation of money for the State Orphans' Home, at Twin Bridges, Montana, for the maintenance thereof for the months of January and February, 1909.	33, 81, 84, 114, 126, 137, 158.
29	A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the state is entitled under the land grants embraced within the United States Government Reservations, and to make lieu selections in place thereof of agricultural and grazing lands."	33, 306, 379, 388. 394.
31	A bill for an Act to declare and make the 12th day of October, of each and every year a public holiday to be known as "Columbus Day."	33, 128, 136, 198, 204, 206, 230.
36	A bill for an Act entitled, "An Act appropriating money for the payment of the claim of Julius Barney for services rendered as paymaster in paying to the Spanish-American War Veterans the back pay due them for services between the time of enrollment and mustering into service."	38. 95, 97, 114, 126, 137, 158.
38	A bill for an Act amending Sections 4872 and 4873 of the Revised Codes of Montana, 1907, and being Sections 4 and 5 of Chapter 185, of the Session Laws of 1907, approved March 9th, 1907, relating to the appropriation of water and providing the manner in which water may be appropriated and a right thereto to acquire from adjudicated streams, springs, creeks, canyons, rivers and ravines.	38, 128, 135, 237, 304, 310, 311.

NO.	TITLE OF ACT	PAGE
40	A bill for an Act to amend Sections 2054 and 2055 of the Revised Codes of Montana, of 1907, relating to the letting of contracts by the County Commissioners for the care, support and maintenance of the county poor.	38, 128, 135, 188, 204, 206, 281, 285.
42	A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the chaplain of the Soldiers' Home."	39, 69, 94, 97, 189, 204, 205, 281, 285.
43	A bill for an Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of the United States Senators..	39, 69, 227, 229, 279.
44	A bill for an Act to amend Section 545 of the Revised Codes of the State of Montana, of 1907, in relation to form of ballots to be used.	39, 69, 227, 229, 230, 279, 407.
45	A bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for municipal purposes and now held or owned by bona fide holders thereof for value, and the issuance of funding bonds therefor."	39, 318, 320.
47	A bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana, of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof and prescribing limitations of time in which such proceedings may be instituted."	39, 109, 120, 158, 175, 186, 285.
52	A bill for an Act providing penalties for the taking up, using or disposing of horses, mules or asses contrary to law.	40, 213, 318, 321, 335, 345, 352, 353, 407.
56	A bill for an Act entitled, "An Act amending Section 9339, Part I, Title IX, Chapter I, Penal Code, of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of rape."	44, 109, 110, 120, 137, 156, 210.
58	A bill for an Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, relating to the Soldiers' Home.	44, 55, 193, 194, 209, 220, 234, 244.

NO.	TITLE OF ACT	PAGE
59	An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as presidential electors for the year 1909.	44, 57, 94, 98, 112, 126, 137, 158.
61	An Act to abolish the Carey Land Act Board and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said board.	50, 305, 307, 312, 344.
63	A bill for an Act entitled, an Act to amend Subdivision 1 of Section 1161, of the Political Code of the State of Montana, relating to proclamations of election, by the Governor.	50, 227, 229, 278.
65	A bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish regulations therefor."	50, 109, 245, 255, 259, 261, 285.
67	A bill for an Act entitled, "An Act to amend Sections 2313, 2315, and 2318, of Part III, Title X, Chapter I, of the Political Code relating to the election of directors in irrigation districts."	51, 57, 90, 91, 187, 199, 215, 216, 227, 230, 235, 241, 342.
71	A bill for an Act entitled, "An Act regulating the hours of labor in all state institutions."	55, 193, 194, 313.
74	A bill for an Act entitled, "An Act to declare the twelfth day of February in each year to be a legal holiday, to be known and designated as Lincoln's Birthday."	56, 100, 105, 198, 204, 206, 222.
76	A bill for an Act to provide for an examination by the Commissioner of Insurance of all insurance companies, including surety companies, organized under the laws of this state or organized under the laws of any other state, or territory, or foreign country, and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examinations, and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128, and 4129, of the Revised Codes of Montana of 1907.	56, 100, 104, 129, 155, 157, 210.

NO.	TITLE OF ACT	PAGE
77	A bill for an Act entitled, "An Act providing for the corporal punishment of wife beaters and vagrants."	56, 281, 283, 304.
78	A bill for an Act to amend Sections 8474 and 8475 of the Revised Codes of Montana, of 1907, making it unlawful to herd or drive livestock upon another's land, providing penalties therefor, and to give a right of action for damages.	56, 152, 169, 188, 204, 235.
79	A bill for an Act to amend Sections 4019 and 4023 of the Revised Codes of Montana, of 1907, relating to licenses of insurance companies and agents.....	56, 100, 105, 129. 155, 157, 210.
80	A bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance Ex-officio; and to provide for the appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary.	56, 128, 135, 159, 175, 186, 210.
83	A bill for an Act entitled, an Act to amend Sections 1889, 1890, and 1891, Revised Codes of Montana, of 1907, relating to the powers of the State Livestock Sanitary Board, authorizing the slaughter of diseased animals, or animals exposed to disease and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851, and 1863 of the 1907 Revised Codes of Montana.	59, 318, 320, 343.
87	A bill for an Act entitled, an Act for the appropriation of money to pay the bounty claim of a certain person.	60, 169, 170, 189, 204, 253, 264, 274, 285.
88	A bill for an Act, making it the duty of the Sheriff of each county, to visit in January and July of each year, every place within his county, required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commisioners and to State Examiner.	67, 270, 272, 344, 362, 371, 373, 410.
90	A bill for an Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod for the care of patients of the Insane Asylum for the years expiring March 1, 1909.	68, 100, 109, 114 126, 138, 158.

NO.	TITLE OF ACT	PAGE
91	A bill for an Act to provide for the payment of the actual necessary expenses of judges of the district court when holding court in his district in any county not the county of residence of such judge...	68, 219, 281, 283, 289.
93	A bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of Montana relating to the power of corporations to change the corporate name."	68, 193, 194, 236, 380, 389, 390, 397, 423.
94	A bill for an Act entitled, an Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the state.	68, 281, 283, 289, 297, 301, 302, 339.
95	A bill for an Act entitled, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue."	68, 193, 194, 238, 353.
96	An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library, and to provide for the maintenance thereof.	68, 281, 282, 297, 327, 330, 331.
97	A bill for an Act to provide for fire drills in the schools of the state.	68, 108, 110, 158, 175, 186, 281, 285.
98	A bill for an Act entitled, an Act to amend Sections 8393, 8394, 8395, and 8396, of the Revised Statutes 1907, of the State of Montana, relative to indecent exposures, exhibitions and pictures.	68, 169, 170.
100	A bill for an Act relating to the qualification of teachers and registration of certificates and to amend Section 901, Revised Codes of Montana, 1907. relating to certificates of qualifications of teachers and to amend Section 908 Revised Codes of Montana. of 1907, relating to qualification of teachers.	68, 305, 307, 326, 336, 337, 338, 339, 353.
104	A bill for an Act entitled, an Act appropriating money for the payment of certain notary public fees erroneously collected.	73, 169, 170, 189, 204, 206, 230.
105	A bill for an Act entitled, an Act appropriating the sum of $2500.00 to aid in stocking a bison range within the limits of the State of Montana.	73, 193, 254, 264, 270.

NO.	TITLE OF ACT	PAGE
106	A bill for an Act entitled, an Act appropriating money for the payment of deficiency claims, account requisitions.	73, 169, 170, 189, 204, 205, 230.
107	A bill for an Act entitled, an Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof.	73, 203, 254, 264, 270, 274, 285.
108	A bill for an Act entitled, "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein and to sell or offer for sale the same, and ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act.	73, 227, 229, 230, 345, 348, 352, 353, 407.
110	A bill for an Act to amend Section 2746, Revised Codes of Montana, of 1907, relating to licenses.	73, 270, 272, 277, 290.
111	A bill for an Act prohibiting persons from representing themselves as members of any profession, for which a license or certificate to practice the same is required by the laws of this state.	73, 298, 300, 316, 336, 337, 338, 340.
113	A bill for an Act to amend Sections 77, 78 and 79, and repeal Section 80 of the Revised Statutes of Montana, 1907, relating the the compensation of members, officers and employees of the Legislative Assembly.	74, 227, 230, 246, 255, 259, 261, 285.
115	A bill for an Act, entitled an Act to regulate the practice of the profession of public accounting.	74, 203, 237, 255 259, 270, 274, 285.
118	A bill for an Act to amend Section 882 of the Revised Codes of Montana, of 1907, relating to the letting of contracts by School Trustees.	84, 203, 255, 264, 270, 274, 285.
122	A bill for an Act entitled, "An Act to amend Sections 1484 of the Revised Codes, 1907, of the State of Montana, relative to the appointment and duties of Boards of Health.	85, 227, 229, 245.

NO.	TITLE OF ACT	PAGE
123	A bill for an Act to amend Section 1815, of the Revised Codes of Montana, of 1907, relating to the record of horses and other livestock sold at public markets.	85, 194, 198, 215, 216, 243.
124	A bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to Logger's Liens."	85, 249, 277, 321, 336, 337, 339, 353.
126	A bill for an Act entitled, "An Act requiring the State Board of Commissioners for Insane and the Clerk thereof of the State of Montana to make reports to the District Court, showing the condition of the inmates of said Asylum."	85, 169, 170, 251, 255, 259, 260, 273.
127	A bill for an Act entitled, "An Act requiring the State Board of Commissioners for Insane and the Clerk thereof of the State of Montana, to make reports to the district court, showing the condition of the inmates of said Asylum."	272, 289, 308, 309, 323, 339.
133	A bill for an Act entitled an Act relating to the proof of corporate existence and providing for the manner of proving the corporate character of any corporation, domestic or foreign.	89, 270, 271, 287, 380, 389, 390, 398, 423.
136	A bill for an Act entitled, "An Act providing for the temporary floors and safe scaffolding in buildings during the erection thereof, for the protection of the persons working thereon."	89, 270, 272, 305, 313, 323, 324, 418, 423.
140	A bill for an Act making appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending February 28, 1909.	95, 227, 229, 253 264, 270, 274, 285, 322.
141	A bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of vendors of the same.	95, 293, 308, 313, 323, 338, 339.
143	A bill for an Act entitled, "An Act to amend Section 2887 of the Revised Statutes of Montana, of 1907, relating to the meetings and proceedings of the	

NO.	TITLE OF ACT	PAGE
	Boards of County Commissioners and the publication thereof."	95, 270, 271, 280.
148	A bill for an Act concerning the duration and renewal of life insurance corporations and the number of directors thereof.	102, 270, 288, 297, 301, 302, 339.
150	A bill for an Act entitled, an Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to County Printing, to be designated as Section 4234, providing a penalty for violation of Section 4233, of the Political Code.	102, 249, 343.
153	A bill for an Act entitled, an Act to repeal Section 8368 of the Revised Statutes of the State of Montana, 1907, relating to the burial of bodies without physicians certificate.	101, 227, 229, 287, 297, 301, 302, 339.
156	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana."	101, 227, 229, 254, 264, 270, 274, 285, 314.
158	A bill for an Act to amend Sections 953, 958, and 959, of the Revised Codes of Montana, of 1907, relating to the examination and qualification of teachers, and to the grade of teachers' certificates, and to amend Section 953 of the Revised Codes of 1907, relating to the status of graduates of the State Normal College and to repeal Section 964 of the Revised Codes of 1907.	103, 298, 300, 305.
160	A bill for an Act entitled, "An Act to amend Sections 3808, 3825, and 3826 of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations, to acquire, own, hold, mortgage, pledge, and dispose of capital stock, bonds, securities, or other evidences of indebtedness of other corporations."	103, 227, 229, 230, 262, 304. 310, 311, 353.
161	A bill for an Act to provide for the erection of docks and wharves on the navigable waters within the State of Montana, and to provide for their management and control.	103, 270, 272, 275, 276, 284, 285.

NO.	TITLE OF ACT	PAGE
162	A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a women's dormitory at the Montana Agricultural College, at Bozeman, Montana."	103, 362, 364, 404, 405, 407, 420.
164	A bill for an Act entitled, "An Act to prohibit the manufacture, making, sale, exchange, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any papers or wrappers, prepared for the purpose of being filled with tobacco for smoking and prescribing penalties therefor."	103, 193, 194.
165	A bill for an Act to amend Section 2841 of the Revised Codes of Montana, of 1907, providing for a change in the boundary line between Sanders and Missoula Counties.	103, 328, 329, 343.
166	A bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds."	115, 270, 271, 327, 330, 353.
170	A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants without a liquor dealer's license.	115, 293, 294, 315, 327, 330, 331, 353.
171	A bill for an Act entitled, "An Act to amend Section 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest, and fixing the time within which suit shall be commenced for the recovery of same."	115, 318, 320, 336, 345, 352, 353, 407.
172	A bill for an Act entitled, "An Act relating to certain deputy and assistant county officers in counties of the first class."	115, 270, 273, 277, 297, 301, 303.
182	A bill for an Act to regulate common carriers and to provide for certain applicances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto.	123, 339, 384, 388, 391.
190	A bill for an Act entitled, "An Act to amend Section 1346 of the Revised Codes of Montana, of 1907, relating to taxes for road purposes."	132, 270, 272. 369.

NO.	TITLE OF ACT	PAGE
191	A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of a publicity bureau for the State of Montana; to prescribe the selection, powers and duties of a Commissioner of Publicity; to provide for the acquisition and for the maintenance of a hall of exhibits of the resources, progress and development of Montana, and to make an appropriation therefor."	132, 217, 219, 265, 278.
194	A bill for an Act entitled, "An Act to provide for the collection and display of an exhibit of the resources and the products of the State of Montana, at the Alaska-Yukon Pacific Exposition to be held at Seattle, Washington, in 1909, and providing an appropriation therefor."	133, 387.
198	A bill for an Act to amend Section 1770 of the Revised Codes of Montana of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death.	133, 270, 271, 288, 297, 301, 302, 339.
200	A bill for an Act to provide for the gathering and sale of horses, mules, and asses, the ownership of which is uncertain or unknown.	133, 270, 272.
201	A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over."	149, 270, 271, 305, 327, 330, 331, 407.
202	A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, of 1907, relating to the salary and compensation of deputies to county officers and assistants.	149, 346, 349, 362, 366, 371, 372.
203	A bill for an Act entitled, "An Act to amend Sections 3318, 3321, and 3324 of the Revised Codes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of the first class."	149, 270, 273, 286, 404, 405.
204	A bill for an Act to amend Section 1959 of the Revised Codes of Montana, of 1907, relating to the seizure and sale of game, or parts thereof, and of fish, caught or held in violation of law and prescribing penalties.	141, 284, 388, 392, 407, 423.
205	A bill for an Act entitled, "An Act prohibiting the abandonment of sheep by herders and others and fixing penalties therefor."	149, 248, 379, 388, 390, 404, 405, 407, 423.

NO.	TITLE OF ACT	PAGE
206	A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."	149, 357, 358, 376, 380, 389, 390, 396, 410, 413.
208	A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of Old Fort Benton."	149, 346, 349, 368, 381, 390, 400, 410, 422.
209	A bill for an Act to require railway corporations, operators, agents or persons in charge of railroad, telegraph, or telephone stations, to report delayed trains, prescribing the method thereof, and providing penalties.	149, 318, 320, 332, 345, 352, 354, 423.
210	A bill for an Act entitled, "An Act concerning tree planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana, 1907."	150, 248, 318, 320, 361, 366, 371, 374, 410.
214	A bill for an Act to amend Section 1497 of the Revised Codes of Montana, of 1907, relating to expenses incurred by counties, cities and towns in caring for persons with communicable diseases.	150, 328, 329, 344, 362, 371, 372, 407.
215	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor."	140, 281, 283, 297, 304, 309, 310, 311, 339.
217	A bill for an Act to authorize Public Administrators to require statements from persons and corporations having in their possession or control money, or other personal property belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred dollars.	140, 350, 351, 360, 366, 371, 374, 420.
218	A bill for an Act to amend Sections 317, 318, 320, 325, 327, and 328 of the Revised Codes of Montana, of 1907, making the jurisdiction of notaries public co-extensive with the boundaries of the state, and relating to the manner of certifying their official acts and authorizing the secretary of state and county clerks to certify to the official character of notaries public, providing the fees therefor, and the execution and approval of their bonds.	140, 283, 290, 297, 301, 302, 339.

NO.	TITLE OF ACT	PAGE
220	A bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphans' Home or Asylum.	151, 281, 283, 290, 297, 301, 339.
222	A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary.	151, 281, 283, 316, 327, 337, 338, 340, 420.
223	A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, of 1907, relating to judges and clerks of election, voting precincts and election precincts within cities and towns."	151, 305, 307, 315, 327, 330, 331, 353.
227	A bill for an Act entitled, "An Act to provide for a chemist and bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor.	167, 333, 334, 338, 341, 342, 353.
228	A bill for an Act to conform the organization and discipline of the organized militia of the State of Montana to the requirements of the Act of Congress entitled, "An Act to promote the efficiency of the militia and for other purposes", approved January 21, 1903, and in pursuance thereof, to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1062, 1074, 1082 and 1100 of the Revised Codes of Montana, of 1907, relating to the militia and national guard of Montana.	167, 318, 320, 350, 362, 371, 372, 410.
231	A bill for an Act entitled, "An Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections 2886, 2891, 2892 and 2893 of the Revised Codes in conflict herewith and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected.	168, 318, 319, 335, 366, 371.
233	A bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana, of 1907, relating to witnesses."	168, 281, 282, 288 297, 301, 303, 339.

NO.	TITLE OF ACT	PAGE
234	A bill for an Act entitled, "An Act to appropriate money for the per diem and mileage of witnesses called by the Joint Committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office and to pay the expenses of taking and transcribing testimony and serving subpoenaes in said investigation."	168, 270, 272, 286, 297, 301, 302, 339.
237	A bill for an Act entitled, "An Act to restrict the sale of the alkaloid cocaine or its salts, alpha or beta eucaine or their salts, providing penalty for the violation thereof, repealing Acts and parts of Acts in conflict herewith."	173, 318, 321, 332, 345, 351, 352, 354.
238	A bill for an Act entitled, "An Act to amend Sections 2680 and 2682 of the Revised Codes relating to tax sales of real property."	173, 384, 388, 392.
240	A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of, and the assistants to the State Examiner.	174, 378, 387, 394, 404, 405, 406.
241	A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana, of 1907, relating to gambling and gambling devices."	174, 281, 282.
242	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of Capitol Building and Grounds, maintenance and care."	174, 414, 415, 416, 417, 423.
243	A bill for an Act entitled, "An Act to provide for the assessment of livestock, creating a migratory stock fund, and providing for the collection and distribution of taxes thereon."	182, 293, 308, 319, 325, 335, 345, 352, 353, 407.
244	A bill for an Act relating to the deposit of funds in the hands of the State Treasurer, designating the depositaries thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution creating a State Depository Board.	180, 348, 351, 355, 362, 371, 373.
245	A bill for an Act entitled, "An Act to provide for non-partisan nominations for Judicial Offices."	181, 384, 389, 392, 404, 405, 409, 422.

NO.	TITLE OF ACT	PAGE
246	A bill for an Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.	181, 328, 362, 363.
248	A bill for an Act entitled, "An Act to appropriate two hundred and fifty ($250.00) dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as Meat and Milk Inspector, in Chouteau County, from December 1, 1904, to March 31, 1905, inclusive."	181, 349, 351, 369.
251	A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana, of 1907, relating to hunting and fishing licenses, the manner of issuing the same, and providing a penalty for the violation of this Act."	181, 248, 328, 329, 382, 390, 401, 420.
253	A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of School Physicians."	181, 318, 321, 359.
254	A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana, of 1907, relating to the organization of cities and towns."	181, 293, 294, 314, 327, 330, 353.
256	A bill for an Act entitled,"An Act to amend Section 3223 of the Revised Codes of the State of Montana, of 1907, relative to the Division of cities and towns into wards by city or town councils."	182, 293, 314, 345, 351, 352, 407.
257	A bill for an Act entitled, "An Act to regulate the the public service of stallions and jacks in Montana.	182, 298, 300, 309, 313, 322, 323.
258	A bill for an Act to amend Section 4213, of the Revised Codes of Montana, of 1907, relating to fees of the Secretary of State for filing incorporation papers of co-operative associations.	182.
259	A bill for an Act prohibiting the wearing of the uniform of the United States Army or Navy or National Guard, and providing a penalty for the violation thereof."	192, 298, 300, 316, 327, 330, 331, 353.
263	A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars."	192, 376, 414.

NO.	TITLE OF ACT	PAGE
267	A bill for an Act to punish the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same.	192, 349, 351, 356.
269	A bill for an Act relating to the payment of deposits in two names.	192, 349, 351, 356, 362, 371, 373, 407.
270	A bill for an Act to amend Section 5923 of the Revised Codes of Montana, relative to the payment of instruments made payable at a bank.	193, 349, 351, 361, 366, 371, 372, 407.
271	An Act to punish the making or use of false statements to obtain credit.	193, 384, 389, 402, 421, 423.
272	A bill for An Act entitled, "An Act fixing the liability of a bank to its depositor, for the payment of forged checks or raised checks.	193, 355, 356, 361, 366, 371, 407.
273	A bill for an Act entitled, "An Act concerning Notaries Public who are stockholders, directors, officers or employees of banks or other corporations.	193, 355, 356, 361, 366, 371, 372, 407.
275	A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana, of 1907, authorizing and empowering the State Game and Fish Warden to create additional game and fish districts and to appoint additional special Deputy Game and Fish Wardens."	193, 346, 348, 382, 390, 401, 420.
277	A bill for an Act to define banking, to prohibit banking except by banks incorporated under National or Montana banking laws, or by foreign banking corporations complying with Montana laws, limiting use of word "bank", "Banker", or "banking", exempting private banks doing business January 31, 1909, from this Act, and fixing penalties for violation thereof.	201, 379, 388, 394.
278	A bill for an Act to amend Chapter 106, of the laws of 1905, being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor" by amending Sections 5 and 6, of Article 1, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19, of Article II, Sections 1, 2, 3, and 4 of Article III, Sections 1, 2, 4, 6 and 9, of Article IV, Sections 1, 2, 3, and 4, of Article V, Section 6, of Article VI, and Section 18 of Article VIII thereof, and by adding a Section to Article II, thereof to be known as Section 22, and by adding a Section to	

NO.	TITLE OF ACT	PAGE
	Article IV thereof to be known as Section 10, providing for appeals from awards of special commissioners and assessments of Boards of Review, and repealing Sections 5, 11, and 12, of Article V thereof.	201, 364, 381, 404, 408, 423.
280	A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant or blasting powder."	201, 305, 307, 313, 336, 337, 338, 339, 341, 342, 407.
281	A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."	201, 318, 320, 327, 336, 337, 338, 339, 353.
284	A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this state for damages sustained by employees thereof, and to declare void contracts restricting such liability; which Act was approved on Jan. 16, 1905, and to provide for the determination of the liability to persons and corporations operating railways and railroads in this state for damages sustained by employees thereof, and the heirs and personal representatives of such employees in case of death and to declare void contracts restricting such liability."	201, 357, 358, 383, 410, 411, 419.
288	A bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund for the maintenance, and operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909 and 1910."	213, 346, 348, 359, 381, 390, 400.
289	A bill for an Act entitled, "An Act to provide for the selection of umpire assayers within this state and providing penalties for the violation thereof.".....	213, 379, 388, 391, 404, 405, 408, 422.
291	A bill for an Act entitled, "An Act to make foreign corporations and joint stock companies, corporations and joint stock companies of this state for purposes of jurisdiction and to make the stocks and shares of such corporations and joint stock companies subject to attachment, the same as the stocks and shares of domestic corporations are now subject to attachment under the laws of this state."	213, 357, 358, 375, 380, 389, 390, 396, 410, 420, 421.
294	A bill for an Act requiring persons who treat communicable diseases to make report to the health officer.	218, 378, 385, 387.

NO.	TITLE OF ACT	PAGE
296	A bill for an Act entitled, "An Act requiring hereafter all contractors on buildings and works owned by, or to be accepted by, the State of Montana, to enter into an agreement; to the effect that all persons employed on such works or buildings be paid the scale of wages fixed by labor unions in places where the work or building is to be done, and to the effect that such contractors will conform to the rules relating to wages, hours constituting a day, and other rules for work fixed by labor unions in the place the building or work if to be carried on."	218, 357, 358, 362.
297	A bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, of 1907." . .	218, 364, 375, 380, 389, 390, 396, 423.
306	A bill for an Act entitled, "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment against any property and for such installments to issue annual interest bearing warrants and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years.	225, 346, 350, 360, 366, 371, 374, 407.
309	A bill for an Act to provide for the permanent improvement of main highways by extension of county aid for such purpose; to provide the manner of petitioning for such improvement, for the levying of assessments upon lands benefited thereby, for the payment of a part of the cost thereof.	226, 384, 388, 401, 404, 405, 409, 423.
310	A bill for an Act entitled, "An Act relating to trusts, monopolies and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities and fixing the punishment for infractions of the provisions thereof."	226, 292, 293, 296, 304, 309, 310, 311, 353.
314	A bill for an Act entitled, "An Act making appropriations for the executive and judicial departments of the state government for two years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911."	226, 346, 349, 367, 381, 390, 395, 401, 406.
315	A bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana, for the years 1909 and 1910."	226, 355, 356, 369, 381, 390, 399, 420.

NO.	TITLE OF ACT	PAGE
319	A bill for an Act entitled, "An Act for the appropriation of money to pay the claim of a certain person for services rendered as Meat and Milk Inspector, in Flathead County during the years 1906 and 1907."	239, 362, 363.
320	A bill for an Act to pay employees of the Senate and House as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code of the State of Montana.	240, 362, 363, 384, 404, 405, 408, 420.
321	A bill for an Act entitled, "An Act to appropriate the sum of five hundred and seventy dollars to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the county clerk of Teton County, Montana, during the year 1908."	240, 362, 364, 384, 404, 405, 408, 422.
322	A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year ending February 28, 1909."	240, 346, 348, 368, 371, 381, 390, 399, 410.
331	A bill for an Act entitled, "An Act to provide for the reformation of erring women and girls."	247, 346, 350, 355, 362, 371, 373, 407.
332	A bill for an Act to repeal Section 2270 of the Revised Codes, relative to the entry, settlement and forfeiture of lands reclaimed by the state under the "Carey Land Act."	247, 355, 359, 366, 374, 420.
335	A bill for an Act entitled, "An Act regulating the labor of jailors, in counties of the first, second and third classes, and amending Section 3119 of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs and the salary to be paid the latter."	247, 413, 414, 416, 417, 423.
336	A bill for an Act to provide for the medical aid and assistance for injuries received by railroad trainmen or employees of railroads during the course of their employment and providing for the payment thereof.	247, 378, 387, 394, 404, 405, 420, 421.
342	A bill for an Act to be entitled, "An Act to prohibit the establishment or maintenance of saloons or places where malt, vinous, or spiritous liquors are sold at retail, within two thousand feet of any State	

NO.	TITLE OF ACT	PAGE
	Educational Institution, and prohibiting the issual or permits or licenses therefor, and fixing a punishment for violation of this Act."	256, 418, 419, 423.
343	A bill for an Act to appropriate money for the payment of deficiency claims of the state prison during the year ending February 28, 1909.	256, 346, 349, 368, 381, 390, 399, 423.
346	A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled, 'An Act to authorize the State of Montana, to become indebted in excess of one hundred thousand dollars, and to provide for the issuance of bonds in the name of the state for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various State Educational Institutions; and also to make whole the permanent funds of the various Educational Institutions', approved March 1st, 1907."	266, 298, 300, 336, 345, 352, 353, 407.
350	A bill for an Act entitled, "An Act for the protection of employees discharged from their employment, and providing penalties for the violation of this Act."	267, 362, 365, 404.
354	A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana 1907, relating to salary and mileage of court stenographers."	267, 357, 358, 366, 371, 372, 407.
356	A bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therin stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same, which Act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."	267, 318, 320, 326, 336, 337, 338, 340, 353.
359	A bill for an Act relating to banks and banking and providing for the creation of a surplus fund.	268, 362, 365, 391, 404, 405, 408, 420.

NO.	TITLE OF ACT	PAGE
360	A bill for an Act entitled, "An Act to permit foreign surety companies to do business in this State, and regulating the method thereof"	268, 362, 365, 382, 404, 408, 423.
362	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans Home at Twin Bridges, Montana."	268, 413, 414, 416, 417, 422, 423.
363	A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim on account of the Montana State Reform School."	268, 346, 350, 380, 389, 390, 396, 420.
365	A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims."	268, 346, 367, 381, 390, 398, 410.
366	A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form."	269, 357, 358, 385, 404, 405, 407, 413, 422.
367	A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the state fish hatchery at Anaconda, Montana."	269, 346, 350, 368, 381, 389, 390, 398, 422.
368	A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association during the year 1908."	269, 346, 349, 368, 381, 400, 423.
372	A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the county surveyor, defining his powers and duties, fixing his compensation and abolishing the office of road supervisor in counties of the first class.	281, 346, 348, 360, 371, 373, 407.
374	A bill for an Act entitled, "An Act to amend Sections 613, 615, and 625 of the Revised Codes of Montana, of 1907, relating to election and voting where voting machines are used."	291, 388, 405, 406, 409, 423.
378	A bill for an Act appropriating money for the payment of deficiency claims for the maintenance of the National Guard, authorized by the State Board of Examiners.	292, 414, 415, 416, 417, 423.

NO.	TITLE OF ACT	PAGE
380	A bill for an Act entitled, "An Act prohibiting the practice of fortune telling, clairvoyancy, palmistry, and astrology, and prohibiting the publishing, distributing, or circulating or causing to be published, distributed or circulated, any dodgers, circulars, pamphlets or advertisements by, or on behalf of any persons for the purpose of advertising, or holding out such person as a fortune teller, clairvoyant, palmist or astrologist."	292, 362, 365, 375, 380, 390, 400, 423.
383	A bill for an Act to appropriate money to pay the expenses incurred by the committee appointed to investigate the management of the State Fair.	299, 362, 363, 377, 380, 389, 390, 397, 422.
384	A bill for an Act entitled, "An Act providing for the issuance of state licenses for automobiles used and operated in the State of Montana, and providing penalties for the operation of automobiles without first procuring such license."	299, 384, 389, 393.
385	A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the State and Deputy State Veterinary Surgeons in Custer and Carbon Counties, Montana."	299, 414, 415.
386	A bill for an Act entitled, "An Act to amend Section 3240 of Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana, of the Revised Codes of Montana, 1907, fixing the salaries of mayor and alderman in cities of the first class."	299, 346, 349.
387	A bill for an Act entitled, "An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana."	299, 362, 363, 377, 380, 390, 401, 410.
389	A bill for an Act to prevent the sale of the shares of stock of any mining corporation unless the selling agent shall exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by the corporation of which said shares of stocks are sold, and providing penalties for a violation thereof.	306, 378, 387, 395.
390	An Act appropriating money to defray the expenses of a joint committee appointed to investigate the state prison at Deer Lodge.	306, 362, 363, 377, 380, 390, 400, 410.

NO.	TITLE OF ACT	PAGE
391	A bill for an Act appropriating money for the payment of the deficiency claim for salary of the members of the supreme court and the district judges of the state, for the quarter ending February 28, 1909. ...	306, 378, 387, 402, 421, 422.
392	A bill for an Act to provide for the making, filing and publishing of a statement of campaign funds.	306, 418.
393	A bill for an Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Orphans Home at Twin Bridges, Montana.	318, 362, 363, 375, 380, 389, 390, 397, 422.
394	A bill for an Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Reform School at Miles City, Montana.	318, 362, 363, 376, 380, 389, 390, 396, 422.
395	A bill for an Act appropriating money for the payment of the deficiency claim for salary of the State Superintendent of Public Instruction of the state for the quarter ending February 28, 1909.	318, 362, 363, 376, 380, 390, 398, 422.
396	A bill for an Act entitled, "An Act to appropriate the sum of eight hundred dollars to pay C. S. Haire for services as architect on Reform School Buildings."	319, 362, 363.
397	A bill for an Act entitled, "An Act appropriating money for the payment of the claim of certain persons for expenses incurred in transporting prisoners to the penitentiary during the years 1908 and 1909."	319, 362, 364, 376, 380, 389, 390, 397, 422.
400	A bill for an Act entitled, "An Act making appropriations for the State Institutions of Montana, for the period ending February 28, 1910, and February 28, 1911.	328, 352, 356, 381, 404, 405, 407, 423.
401	A bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claims for public printing for the year ending February 28, 1909."...	328, 352, 356, 367, 381, 390, 399, 420.
404	A bill for an Act appropriating money for the payment of a claim against the State of Montana, for loss arising from the slaughtering or diseased animals, under the provisions of Sections 1841 and 1842, of the Revised Codes of Montana, of 1907.	362, 364.

INDEX TO HOUSE JOINT AND CONCURRENT MEMORIALS AND RESOLUTIONS.

Joint Resolutions.

NO.	TITLE OF ACT	PAGE
1	Relative to election of United States Senators by popular vote.	97, 227, 229, 230.
4	Relative to the opening of the Crow Reservation.	132, 217, 219, 224, 232, 234, 244.
5	Relating to Waterways.	149, 362, 364, 383, 404, 405, 409, 420.
6	Relating to the employment of prisoners confined in the State Prison of the State of Montana.	167, 227, 286, 379, 388, 391, 404, 405, 409, 423.
7	Relative to the opening of the Flathead Reservation.	173, 346, 348, 383.
8	Relative to the Billings Polytechnic Institute.	173, 281, 282, 345, 348, 352, 354, 423.
9	Memoralizing Congress to pass a bill prohibiting the sale of intoxicating liquors on the Flathead Reservation.	173, 349, 351, 383.
11	Relative to the Primary Election Law.	212, 279.
12	Relative to the Kootenai Forest Reserve.	291, 384, 389, 402.
13	Relative to the appointment of Mrs. Charles B. Peyton as Deputy Game and Fish Warden.	300, 364, 382, 390, 401, 410.

Concurrent Resolutions.

1	Memoralizing Congress for a Constitutional Amendment to prohibit polygamy and to secure uniform divorce laws.	61, 95, 99.
2	Relating to applications by the institutions of higher education for admission to the benefits of the retiring allowance system of the Carnegie foundation for the advancement of teaching.	97, 270, 272, 286, 304, 323, 339.
3	Recommending that a Joint Committee be appointed to visit the State Orphans' Home.	109, 109, 113.

Joint Resolution.

NO.	TITLE OF ACT	PAGE
2	Authorizing the Committee on Land Investigation to employ an attorney.	

SENATE JOURNAL

OF THE

Eleventh Legislative Assembly

OF THE

State of Montana

SENATE CHAMBER.

Helena, Montana, January 4, 1909.

At 12 o'clock noon W. R. Allen, Lieutenant Governor Elect, accompanied by Chief Justice Brantly, clothed in his official robes, entered the Senate chamber and ascended the platform. The Chief Justice then administered the oath of office to W. R. Allen, Lieutenant Governor Elect; after which the Chief Justice announced that W. R. Allen was the duly qualified Lieutenant Governor and President of the Senate of the State of Montana.

Pursuant to law, W. R. Allen, Lieutenant Governor and President of the Senate, called the Senate of the Eleventh Legislative Assembly of the State of Montana to order.

The President appointed Nathan Godfrey Secretary Pro Tem, and C. B. Gibbs Assistant Secretary Pro Tem.

Under the direction of the President the Secretary Pro Tem called the roll of Senators, and the following named Senators from the following named counties answered to their names:

Madison,	Albright.
Yellowstone,	Annin.
Jefferson,	Cardwell.
Teton,	Cowgill.
Missoula,	Donlan.
Rosebud,	Edwards.
Chouteau,	Everett.
Sanders,	Fairbanks.
Silver Bow,	Haviland.
Flathead,	Long.
Granite,	Metcalf.
Broadwater,	Muffly.
Ravalli,	Romney.
Cascade,	Sanders.
Valley,	Truscott.

Under the direction of the President the Secretary Pro Tem called

the roll of the counties which elected Senators November 3, 1908; the following named Senators Elect from said counties presented Certificates of Election which were received by the President and ordered filed:

Beaverhead,	E. O. Selway.
Custer,	H. W. Sykes.
Deer Lodge,	P. J. Daly.
Lewis and Clark,	C. N. Kessler.
Park,	J. M. Conrow.
Powell,	W. M. Cockrell.
Carbon,	W. F. Meyer.
Dawson,	George McCone.
Gallatin,	J. C. McCarthy.
Meagher,	C. P. Tooley.
Sweet Grass,	Chas. McDonnell.

The Senator from Powell County announced that he was without Certificate of Election, and on motion was allowed to be sworn in and seated, and file Certificate later.

Honorable Theodore Brantly, Chief Justice of Montana, then administered to the Senators Elect the oath of office, who duly signed it as follows:

E. O. Selway.	H. W. Sykes.
P. J. Daly.	C. N. Kessler.
J. M. Conrow.	W. M. Cockrell.
W. F. Meyer.	George McCone.
J. C. McCarthy.	C. P. Tooley.

Chas. McDonnell.

The Secretary Pro Tem by direction of the President then called the roll of the Senate.

Present: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—26.

Absent: Rae.—1.

A quorum being present the President announced that the Senate of the Eleventh Legislative Assembly was duly organized and ready for business.

Prayer was offered by J. F. McNamee.

The Senate then proceeded to elect permanent officers and employees.

Edwards nominated the following list of officers and employees for the Senate:

President Pro Tem,	T. M Everett.
Secretary,	N. Godfrey.
Assistant Secretary,	C. B. Gibbs.
Sergeant at Arms,	Orville Bittle.
Assistant Sergeant at Arms,	W. G. Jarrett.
Doorkeeper,	Byron Corson.
Doorkeeper,	C. L. Udley.
Doorkeeper,	Jerald B. McRae.
Watchman,	Wm. Jefferson.

Watchman,	Robert Fraser.
Watchman,	C. T. Rader
Janitor,	H. S. Simpson.
Janitor,	A. E. Lynes.
Page,	John Sheehy.
Page,	Claude Larson.
Page,	Brownie Burke.
Chaplain,	C. J. McNamee.
Postmaster,	L. C. Scrogins.
Journal Clerk,	C. F. Bean
Assistant Journal Clerk,	Mrs. Alice Zeiter.
Engrossing Clerk,	Miss Mayme Adams.
Enrolling Clerk,	Russel Franklin.
Printing Clerk,	Mrs. Kady Potter.
Bill Clerk,	Mrs. J. Wescott.
Judiciary Clerk,	Mrs. Grace Catlin.
Clerkship,	Miss O O'Connell.
Clerkship,	C. A. Metcalf.
Secretary to the President,	W. J. Grover.

McCarthy nominated the following list of officers and employees for the Senate:

President Pro Tem,	J. C. McCarthy,
Secretary,	X. K. Stout.
Assistant Secretary,	Chas. Cohen.
Chaplain,	D. B. Price.
Sergeant at Arms,	Chas. Martien.
Assistant Sergeant at Arms,	Jacob Rosenstein.
Journal Clerk,	Miss Savage.
Assistant Journal Clerk,	Lulu Taylor.
Engrossing Clerk,	Miss Marjory Chambers.
Doorkeeper,	James Moore.
Doorkeeper,	Chas. Callahan.
Doorkeeper,	James Oglesby.
Page,	Poge Fisk.
Page,	Walter Baumgnoid.
Page,	Thos. H. Long.

The President announced that unless there was objections the respective lists of candidates would be voted upon in their entirety.

The roll being called the list headed by Everett as President Pro Tem received the following votes:

Albright, Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Selway, Sykes, Tooley.—17.

The list headed by McCarthy as President Pro Tem received the following votes:

Cardwell, Cockrell, Conrow, Daly, Haviland, Long, Muffley, Romney, Truscott.—9.

Absent and not voting: Rae.—1.

The list of nominees headed by Everett as President Pro Tem

having received a majority of all the votes cast, the following were declared elected as officers and employees of the Senate:

President Pro Tem,	T. M. Everett,
Secretary,	N. Godfrey.
Assistant Secretary,	C. B. Gibbs.
Sergeant at Arms,	Orville Bittle.
Assistant Sergeant at Arms,	W. G. Jarrett.
Doorkeeper,	Byron Corson.
Doorkeeper,	C. L. Utley.
Doorkeeper,	Jerald B. McRae.
Watchman,	Wm. Jefferson.
Watchman,	Robert Fraser.
Watchman,	C. T. Rader.
Janitor,	H. S. Simpson.
Janitor,	A. E. Lynes.
Page,	John Sheehy.
Page,	Claud Larson.
Page,	Brownie Burke.
Chaplain,	C. J. McNamee.
Postmaster,	J. C. Scrogins.
Journal Clerk,	C. F. Bean.
Assistant Journal Clerk,	Mrs. Alice Zeiter.
Engrossing Clerk,	Miss Mayme Adams.
Enrolling Clerk,	Russel Franklin.
Printing Clerk,	Mrs. Kady Potter.
Bill Clerk,	Mrs. J. Wescott.
Judiciary Clerk,	Mrs. Grace Catlin,
Clerkship,	Miss O. O'Connell.
Clerkship,	C. A. Metcalf.
Secretary to the President,	W. J. Grover.

On motion of Donlan, seconded by McCarthy, the President appointed a committee of three consisting of Donlan, Long and Meyer to notify the Governor that the Senate had been duly organized and was ready for business.

On motion of Everett seconded by Sanders the President appointed a committee consisting of Everett, Edwards and McCarthy to notify the House that the Senate was duly organized and ready for business.

On motion of Meyer seconded by Selway, it was ordered that until further action by the Senate the Senate Rules of the Tenth Assembly be adopted as the rules of this the Eleventh Assembly.

On motion of McCarthy seconded by Tooley a recess of thirty minutes was taken.

Senate reconvened.

Donlan, of committee to notify the Governor that the Senate was organized and ready for business, reported that the duty had been performed and that the Governor would communicate with the Senate at 2 o'clock P. M. tomorrow.

On motion of Tooley seconded by McCone the report was received and the committee discharged with thanks.

Everett, of the committee to notify the House that the Senate was organized and ready for business, reported that the duty had been performed and on motion of McCarthy seconded by Selway the report was received and the committee discharged with thanks.

By unanimous consent Donlan gave notice of introduction of bill as follows:

By Donlan: An Act entitled "An Act to provide for ascertaining the choice of the electors of the different counties in the state of a candidate for Senator in Congress for Montana for each political party in said state."

The President of the Senate announced that an invitation was extended by the Helena Commercial Club to the members of the Senate and their friends to attend the Inaugural Ball.

On motion of Donlan, seconded by McCone, the President was allowed to select his private Secretary.

On motion of McCarthy, seconded by Donlan the invitation of the Helena Commercial Club is accepted and the Senate returns thanks for same.

The President announced the appointment of W. J. Grover as his private secretary.

By unanimous consent Long gave notice of introduction of a bill as follows:

By Long: A bill to amend Section 4216 of the Revised Codes of the State of Montana relating to stock in co-operative Associations.

A committee from the house consisting of Representatives Hammond, McCoy, and Shoemaker notified the Senate that the House was duly organized and ready for business.

On motion of Everett seconded by Sanders the Senate adjourned until 1:30 tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Second Day.

Helena, Montana, January, 5th, 1909.

Senate convened at 1:30 P. M.

President in the chair.

Roll called. Quorum Present.

Prayer by the Chaplain.

Journal read and approved.

On motion of Tooley, Senator Rae is hereby granted leave of absence.

Notices of introduction of bills were given as follows:

By Romney: A bill for an Act entitled, "An Act to provide relief for the widow and orphan children of the late Chas. B. Peyton, Deputy State Game Warden, who gave his life in the service of the State."

By McCone: A bill for an Act entitled, "An Act to amend Section

3003 and Section 3257, of the Revised Codes of Montana, relating to the deposit and control of public money in the possesion of county and city Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers.

By Selway: A bill for an Act entitled, "An Act to provide for the deposit and disbursement of money received from the investment of the Permanent Funds of State Educational Institutions and from the leasing of lands granted by the Federal Government to such institutions, to be known as the 'Interest and Income Funds' of each of such institutions; reducing the appropriations from the general fund; and providing for reports by said Educational Institutions of all moneys received from appropriations made to them under the laws of the United States."

By Everett: A bill for an Act to prevent the issuance or acceptance of a pass or free transportation on any railroad in the State of Montana, except to actual employees of such railroad, and providing penalties for the violation thereof.

By Meyer: A bill entitled, "An Act to prohibit public officers from asking, accepting or using, a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission of any message or communication, and providing a penalty for the violation thereof."

By Edwards: A bill for an Act entitled, "An Act for the submitting to the qualified electors of the State of Montana an amendment to Section 9 of Article XII of the Constitution of the State of Montana relating to revenue and taxation."

Notice of introduction of motion:

By Edwards: A motion for a change in the Rules by the addition of one Standing Committee to be known as Insurance and to consist of five members.

The following Resolution was introduced:

By Meyer: RESOLVED, that the Chief Clerk be authorized to supply the Legislative Reference Department of the Historical Library with twenty copies of each bill ordered printed by the Senate.

On motion of Meyer seconded by Truscott the resolution was adopted as read.

The following communications were read and ordered filed:

Helena Public Library,

Helena, Montana, January 4th, 1909

To the President of the Montana State Senate:

The Trustees of the Helena Public Library wish to extend to the members of the State Legislature, and to the families of members, a cordial invitation to make free use of all the privileges of the Public Library during the Session of the Eleventh Legislative Assembly.

Very respectfully,

NINA McKENNA, Acting Librarian.

The Montana Society of the State of Washington,

Seattle, Washington, December 7, 1908.

WHEREAS, the Alaksa-Yukon-Pacific Exposition is to be held in Seattle during the year 1909 from June 1st to October 15th, at which

exposition it will be greatly to the benefit of the State of Montana to have a large and comprehensive exhibit of its great and well known products, and

WHEREAS, all former citizens of the State of Montana now residing in the State of Washington still hold the people of the State of Montana in high regard and esteem, and believing that it will be of great benefit to the citizens of the State of Montana if their state makes a suitable and proper exhibit of its products at the Exposition at Seattle,

THEREFORE, be it resolved by the Montana Society of the State of Washington, that the Governor of Montana, be, and is hereby, requested to invite the attention of, and urge upon the Legislature of the State of Montana the importance of providing a proper representation and exhibit of the great resources and products of the great State of Montana at the Alaska-Yukon-Pacific Exposition, and use his good offices to make such exhibit representative of the enterprise of the citizenship, and the resources of Montana.

Signed,

BOARD OF DIRECTORS.

Moved by Tooley, seconded by McCarthy, that a committee of three be appointed by the President to confer with a like committee from the House in reference to the appointment of Postmaster and Assistant Postmaster of the Legislative Assembly.

President appointed as such committee, Tooley, Romney, Sanders.

Communication from the Rocky Mountain Bell Telephone Company enclosing franks for each senator was received.

On motion of McCarthy, seconded by McCone, a vote of thanks was returned for the courtesy extended.

On motion of Meyer, seconded by Annin, the Senate returns vote of thanks to the Helena Public Library for courtesy extended.

On motion of McCarthy, a recess was taken.

Senate reconvened at 2:15 P. M.

The House committee consisting of Kilgallon, Clayberg and Gray appeared and invited the Senate to meet the House in joint session to listen to the reading of the Governor's Message.

On motion of Everett seconded by McCone the Senate accepts the invitation of the House.

The Senate then proceeded in a body to the House to listen to the reading of such message.

Senate reconvened.

Roll called. Quorum present.

The following communications were received from the House and read:

Helena, Montana, January 4th, 1909.

Mr. President:

I am directed to inform your Honorable Body that the House has appointed a committee, consisting of Hammond, McCoy, and Shoemaker to notify the Senate that the House was duly organized and ready for business.

CHAS. Z. POND, Chief Clerk.

Helena, Montana, January 4th, 1909.

Mr. President:

I am directed to inform your Honorable Body that Messrs. Crutchfield and Wood have been appointed as a committee to notify the Governor that the House is duly organized and ready for business.

CHAS. Z. POND, Chief Clerk.

Helena, Montana, January 4th, 1909.

Mr. President:

I am directed to inform your Honorable Body that the House has appointed a committee of three, consisting of Largey, Pierson, and Harbert, to act with a like committee from the Senate to notify His Excellency, the Governor, that the House is now ready to receive any communication he has to offer.

CHAS. Z. POND, Chief Clerk.

Helena, Montana, January 4th, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following is a complete list of the officers elect of the House:

Speaker Pro Tem,	Ed Burke.
Chief Clerk,	C. Z. Pond.
Assistant Chief Clerk,	S. C. Ashby, Jr.
Journal Clerk,	Frank Longstaff,
Assistant Journal Clerk,	Ella M. Kelly,
Sergeant at Arms.	C. P. Blakley,
Assistant Sergeant at Arms,	F. E. Davis,
Chaplain,	H. H. Davis.
Enrolling Clerk,	Mrs. F. L. Shelton.
Assistant Enrolling Clerk,	Miss Nora B. Watson.
Engrossing Clerk,	Robert Reynolds.
Doorkeeper,	Tom Smith,
Doorkeeper,	P. F. Riley.
Doorkeeper,	Pat Donlan.
Watchman,	L. D. Hatch.
Watchman,	E. L. Kirwin.
Watchman,	E. L. Tuttle.
Page,	Joe Bubser.
Page,	Wm. Heath.
Page,	Fred'k. Bennett.
Page,	Joe Duffy.

CHAS. Z. POND, Chief Clerk.

The following motion was introduced by Sanders, seconded by Cowgill:

Senate Chamber, Helena, Montana, January 5th, 1909.

Mr. President:

I move, that the Committee on Rules, when it shall have been appointed incorporate in the rules for the guidance of the Eleventh Legislative Assembly, a rule requiring that the minutes of each days pro-

ceedings be furnished each senator as soon as possible after each days proceedings.

SANDERS.

During remarks by Meyer, Long arose to point of order that the motion had received no second.

Cowgill then seconded the motion.

Meyer moved as substitute that the motion be referred to a committee to be appointed by the President to look into the matter and report back to the Senate.

Edwards arose to a point of order that a motion to change the rules without previous notice was out of order.

The President decided the point well taken. The motion went over.

On motion of Everett, seconded by Edwards, the Senate adjourned until tomorrow at 1:30 P. M.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Third Day

Helena, Montana, January 6th, 1909.

Senate convened at 1:30 P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Tooley, chairman of committee, to confer with a like committee from the House with reference to appointment of Postmaster and Assistant Postmaster reports as follows:

Helena, Montana, January 6th, 1909.

Mr. President:

Your special committee appointed to confer with a like committee from the House for the selection of a Postmaster and Assistant Postmaster beg leave to report that at said conference Mr. L. C. Scrogins was selected as Postmaster, and Mr. Angus McDonald as Assistant Postmaster for the Eleventh Session.

Respectfully submitted,

C. P. TOOLEY, Chairman.

On motion of Tooley, seconded by Donlan, the report of the committee was adopted and committee discharged.

A message from the Governor was received and read as follows:

Executive Office, Helena, Montana, January 6, 1909.

To the President of the Senate,

Senate Chamber,

Helena, Montana:

I have the honor to transmit herewith the names of certain persons appointed in vacation to fill certain officers subject to the consent of the Senate, to-wit:

BY JOSEPH K. TOOLE.

To be State Veterinary Surgeon—

M. E. Knowles, of Lewis and Clark County, appointed March 19, 1907, for the term ending March 8, 1911.

To be Members of the State Board of Education—

E. O. Busenburg, of Fergus County, appointed March 18, 1907, for the term ending March 2, 1911.

O. W. McConnell, of Lewis and Clark County, appointed March 18, 1907, for the term ending March 2, 1911.

To be a Member of the Historical and Miscellaneous Department of the State Library—

Thomas H. Spratt, of Lewis and Clark County, appointed February 10, 1908, for the term ending February 21, 1909.

To be Members of the State Board of Health—

L. C. Bruning, of Custer County, appointed March 16, 1907, for the term ending January 1, 1909.

H. H. Hanson, of Silver Bow County, appointed March 23, 1907, for the term ending January 1, 1909.

To be Members of the State Board of Medical Examiners—

C. F. Hopkins, of Chouteau County, appointed March 16, 1907, for the term ending September 26, 1909.

Sidney A. Cooney, of Lewis and Clark County, appointed March 16, 1907, for the term ending December 31, 1913.

To be a Member of the Board of Managers of the State Soldiers' Home—

Frank P. Sterling of Lewis and Clark County, appointed March 16, 1907, for the term ending April 18, 1911.

To be a Member of the State Board of Charities and Reform—

Rev. J. F. McNamee, of Lewis and Clark County, appointed May 13, 1907, for the term ending February 10, 1911.

To be Members of the State Board of Stock Commissioners—

Peter Valiton, of Powell County, appointed March 25, 1907, for the term ending February 4, 1909.

Daniel C. Kyle, of Valley County, appointed May 24, 1907, for the term ending February 4, 1909.

W. P. George, of Broadwater County, appointed April 17, 1907, for the term ending February 4, 1909.

To be Members of the State Board of Sheep Commissioners—

Samuel J. Haines, of Beaverhead County, appointed March 11, 1907, for the term ending February 4, 1909.

Milburn G. Kern, of Ravalli County, appointed March 25, 1907, for the term ending February 4, 1909.

Joseph L. Asbridge, of Fergus County, appointed May 21, 1907, for the term ending February 4, 1909.

BY EDWIN L. NORRIS.

To be State Examiner—

Frederick H. Ray, of Lewis and Clark County, appointed September 2, 1908, to fill the vacancy caused by the death of T. E. Collins, for the term ending January 24, 1909.

To be Members of the State Board of Education—

O. P. Chisholm, of Gallatin County, appointed April 1, 1908, for the term ending February 12, 1912.

S. D. Largent, of Cascade County, appointed April 1, 1908, for the term ending February 8, 1912.

H. G. Prickett, of Lewis and Clark County, appointed May 6, 1908, to succeed Charles N. Kessler, resigned, for the term ending February 10, 1909.

To be a Member of the State Board of Medical Examiners—

F. M. Poindexter, of Beaverhead County, appointed April 1, 1908, for the term ending March 27, 1915.

To be Members of the Board of Managers of the State Soldiers' Home—

Andrew J. Fisk, of Lewis and Clark County, appointed June 3, 1908, for the term ending April 18, 1909.

W. H. Campbell, of Flathead County, appointed July 23, 1908, for the term ending March 16, 1911.

To be a Member of the State Board of Charities and Reform—

Rev. D. B. Price, of Lewis and Clark County, appointed December 14, 1908, for the term ending March 2, 1913.

To be State Game and Fish Warden—

Henry Avare, of Silver Bow County, appointed December 31, 1908, to fill the vacancy caused by the resignation of W. F. Scott, for the term ending March 25, 1909.

EDWIN L. NORRIS, Governor.

On motion of McCarthy seconded by Donlan the appointments of the Governor are hereby confirmed.

The following communication from the Governor is received, read and placed on file:

Executive Office, Helena, Montana, January 6, 1909.

To the President of the Senate,
Senate Chamber,
Helena, Montana.

For the information of the Senate in the transaction of business with the Executive Office, you are hereby notified that my office force is composed of

Will Akin, Private Secretary,
M. W. Caffee, Assistant Secretary and Stenographer.

EDWIN L. NORRIS, Governor.

The following bills were received and read the first and second times:

Senate Bill No. 1, by Edwards: A bill for an Act enttiled, "An Act for the submitting to the qualified electors of the State of Montana an amendment to Section 9 of Article XII, of the Constitution of the State of Montana, relating to revenue and taxation."

Referred to Committee on Finance and Claims.

Senate Bill No. 2, by Selway: A bill for an Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of State educational institutions and from the leasing of lands granted by the Federal Government to such institutions to be

known and designated as "The Interest and Income Funds" of each of such institutions; reducing the appropriations from the general fund and providing for reports by said educational institutions of all moneys received from appropriations made to them under the laws of the United States.

Referred to Committee on Judiciary.

Senate Bill No. 3, by Meyer: A bill for an Act entitled, "An Act to prohibit public officers from asking, accepting or using a free pass, frank or privilege withheld from any other person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication and providing penalties for the violation thereof.

Referred to the Committee on Railroads and Transportation.

After the above bills were read the President announced that if there were no objections the rules would be suspended and bills be considered to be read at length and by title and referred to the committees named.

Notices of introduction of bills were received as follows:

By Donlan: A bill for an Act entitled "An Act exempting real estate mortgages from assessment and taxation."

By Muffley: A bill for an Act entitled "An Act imposing additional powers and duties upon the Board of Railroad Commissioners of this State that said Board may regulate and control the operation of telegraph and telephone lines and systems within the State of Montana; regulate and fix rents, tolls, and charges for transportation and delivery of messages; fix just, reasonable and equitable charges for tolls, telephonic conversations and for rents of telephone instruments and telephone appliances; granting unto and imposing upon said Board of Railroad Commissioners the same powers and duties to change, fix, regulate and control the rents, charges, tolls, and service, of telegraph and telephone lines and systems, as said board may have over railroad companies or common carriers."

By Donlan: A bill for an Act entitled, "An Act to punish bookmaking and pool-selling by unlicensed persons, to provide for the issuance of such license, and dispose of the funds arising from such license."

By Donlan: A bill for an Act entitled, "An Act to amend Section 2897 of the Revised Codes of Montana concerning the duty of County Commissioners to contract for County Printing:

By Edwards: A bill for an Act to give the Board of County Commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ, or authorize the employment of detectives; and to employ, or authorize the employment, of counsel in criminal actions, and actions to which the County is a party.

By McCone: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana relating to revenue and taxation.

By Donlan: A bill for an Act entitled, "An Act to provide for the

appointment of a State Sheriff and prescribing his duties and fixing his compensation."

By Donlan: A bill for an Act entitled, "An Act to amend Section 2759 of the Revised Codes of Montana, concerning the licenses of retail liquor dealers."

By Donlan: A bill for an Act entitled, "An Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of Senators and Representatives."

By Tooley: A bill for an Act entitled, "An Act requiring all state, county and other public officers to furnish official bonds executed by some surety company licensed to do business in the State of Montana."

Moved by Sanders, seconded by Donlan, that a committee of three be appointed by the chair to confer with a like committee from the House relative to the number of copies of the Governor's Message to be printed.

Motion adopted.

President appointed Sanders, Cockrell, and Cowgill as such committee.

Moved by Edwards, seconded by Truscott, that the rules of the Senate be amended by the addition of one standing committee to be known as "Insurance" to consist of five members.

Motion adopted and referred to Committee on Rules.

Moved by Everett, seconded by Truscott, that fifty copies of the Order of Business of the Senate be printed on card board of suitable desk size for the convenience of the Senators.

Motion adopted.

A communication from Frank A. Richolt, Exalted Ruler of Helena Lodge, Number 193 B. P. O. E., was received and read, and placed on file.

Moved by Donlan, seconded by McDonnell, the senate adjourn at 2:07 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fourth Day

Helena, Montana, January 7, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

The following report of special committee was received and read:

Helena, Montana, January 7, 1909.

Mr. President:

Your committee appointed to confer with a like committee from the House relative to the number of copies of the Governor's Message

to be printed, have performed that duty and recommend that 1000 copies be printed, of which 150 copies are for the use of the Senate, 350 copies for the use of the House, and 500 copies for general distribution.

SANDERS, Chairman.

On motion of Donlan, seconded by McCone, the report was accepted and committee discharged.

The following messages from the House were received and read:

House of Representatives, Helena, Montana, January, 7, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following bills have been introduced in the House.

By King, H. B. No. 1: A bill for an Act to amend subdivision V, of Section 3701, of the Revised Codes of Montana, relating to the taxation of mortgages.

By King, H. B. No. 2: A bill for an Act entitled, "An Act to prohibit the selling of pools upon races run upon race tracks outside of the State of Montana, and to prohibit the maintaining of places where pools upon races are bought and sold."

By Gray, H. B. No. 3: A bill for an Act entitled, "An Act to amend Section 611 of the Revised Statutes relating to the use of voting machines.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 6, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following notices of intention to introduce bills have been given:

By Duncan: A bill for an Act to amend Sections 6364, 6365, and 6367 of the Revised Codes of Montana, of 1907, relating to the empanelling of grand juries.

By Owenhouse: A bill for an Act to provide for the permanent improvements of main highways and maintenance of same.

By Gibson: A bill for an Act to amend Section 6315 of the Revised Codes of Montana, 1907, relating to the disqualification of Judges.

By Woody: A bill for an Act entitled, "An Act to amend Section 1413 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges."

By Harbert: A bill for an Act providing for submitting to the electors of any county the question of establishing a herd law within said county.

By Harbert: A bill for an Act relating to navigation and dockage upon the navigable waters of the State.

By King: A bill for an Act to prohibit the selling of stock of mining companies, within the State of Montana where such mining companies do not own mining claims, either by location or purchase; and to prevent such mining companies from doing business in the State of Montana.

By Kilgallon: A bill for an Act to repeal Section 2108 of the Penal Code; Section 9309 of the Revised Codes of the State of Montana and

to enact in lieu thereof a new Section to be known as Section 9309 of the Revised Codes of Montana.

By Kilgallon: A bill for an Act to elect United States Senators by direct vote of the people.

By Duncan: A bill for an Act to amend Sections 4225 and 4226 of the Revised Codes of Montana 1907; relating to religious, social and benevolent corporations; and providing that two or more religious, social or benevolent corporations may incorporate; co-jointly.

By Pomeroy: A bill for an Act to prevent the shooting of human beings by persons in pursuit of game or game birds, and to prevent such persons from shooting, at any person, domestic animal or other object supposed to be game which subsequently proves not to be, and providing punishments and penalties therefor.

By Duncan: A bill for an Act to amend Sections 4872 and 4873 of the Revised Codes of Montana, 1907, relating to the appropriation of water and providing the manner in which water may be appropriated, and a right thereto acquired from adjudicated streams, lakes and springs.

By Clayberg: A bill for an Act to provide for party nominations by direct vote.

By Wilham: A bill for an Act appropriating money for improvements and additions at the State School for the Deaf, Blind and Feeble Minded at Boulder, and for the completion of tunnels; making additions to the engine house and laundry and for the erection of fire escapes and a system of water works.

By Clayberg: A bill for an Act to amend Section 8339 of the Revised Codes of Montana, relating to the penalty provided for the crime of rape.

By Clayberg: A bill for an Act to amend Section 8642 of the Revised Codes of Montana, relating to the definition of larceny.

By Clayberg: A bill for an Act to amend Section 6796 of the Revised Codes of Montana relating to the notice of entry of judgment before motion for new trial.

By Wilham: A bill for an Act appropriating money for the erection, furnishing and equipment of a hospital and domestic science building at the Montana School for the Deaf, Blind and Feeble Minded, at Boulder, Montana.

By Wilham. A bill for an Act for the construction of a tunnel connecting it with the water supply, heating plant and with other buildings, and for a sewerage system.

By Wilham: A bill for an Act appropriating money for improvements on the ranch of the State School for the Deaf, Blind and Feeble Mided, at Boulder, Montana; and for the erection of a dairy farm poultry houses and fencing.

By Gray: A bill for an Act requiring the head physicians of State Insane Asylum make quarterly reports to district courts showing conditions of inmates of said Asylum.

By Gray: A bill for an Act to empower the City Council of any city to regulate the rates and charges to be allowed corporations or individuals for furnishing water, gas, or electricity to any such city or the inhabitants thereof, and to fix the maximum rates therefor.

By Swick: A bill to define the qualifications of midwives.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 6, 1909.

Mr. President:

I am directed by the House to inform your honorable body that a committee of two has been appointed by the House to confer with like committee from the Senate in regard to printing 1000 copies of the Governor's Message, consisting of Burke of Deer Lodge and Werner of Lewis and Clark.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced and read twice:

By Donlan, Senate Bill No. 4: A bill for an Act to punish bookmaking and pool-selling by unlicensed persons, to provide for the issuance of such license and dispose of the funds arising from such license.

Referred to Committee on Public Morals.

By Donlan, Senate Bill No. 5: A bill for an Act to amend Section 2897 of the Revised Codes of Montana, concerning the duties of County Commissioners to contract for county printing.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Donlan, Senate Bill No. 6: A bill for an Act to amend Section 51 of the Revised Codes of Montana concerning the term of office of Senators and Representatives.

Referred to Committee on Election and Privileges.

By Donlan, Senate Bill No. 7: A bill for an Act to amend Section 2759 of the Revised Codes of Montana, concerning the licenses of retail liquor dealers.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Donlan, Senate Bill No. 8: A bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff and prescribing his duties and fixing his compensation.

Referred to Committee on Judiciary.

By Donlan, Senate Bill No. 9: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the different counties in the State of Montana, of a candidate for Senator in Congress for Montana for each political party in said State.

Referred to Committee on Election and Privileges.

By Edwards, Senate Bill No. 10: A bill for an Act entitled, "An Act to give the Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons commiting crimes; to employ or authorize the employment of detectives; and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Long, Senate Bill No. 11: A bill for an Act entitled, "An Act to

amend Section 4216 of the Revised Codes of the State of Montana so as to increase the maximum par value of the shares of stock of co-operative associations, permitting co-operative associations to divide its shares of stock into classes and to legalize its stock heretofore issued in classes of different par values."

Referred to Committee on Corporations Other than Municipal.

By McCone, Senate Bill No. 12: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section IX of Article XII of the Constitution of the State of Montana, relating to revenue and taxation."

Referred to Committee on Finance and Claims.

By McCone, Senate Bill No. 13: A bill for an Act entitled, "An Act to amend Sections 3003 and 3257 of the Revised Codes of Montana relating to the deposit and control of public money in the possession of County and City Treasurers, and to provide for the payment of interest on deposits of public money, and for the furnishing of official bonds by such officers."

Referred to Committee on Finance and Claims.

Tooley asked to revert to the order of business of the Reports of Special Committees. There being no objection the report of the select committee for the selection of Committees for the Eleventh Session was made as follows:

Helena, Montana, January 7, 1909.

Mr. President:

Your select committee, for the selection of the Committees for the Eleventh Session, submits herewith a list of the committees selected as follows:

1. Agriculture and Manufactures.—McDonnell, Annin, Albright, Romney, Daly.
2. Mileage.—Truscott, Cockrell, Sykes.
3. Corporations Other Than Municipal.—Meyer, Rae, McDonnell, Kessler, Albright, McCarthy, Romney.
4. Counties, Towns and Municipal Corporations.—Donlan, Albright, Cowgill, Tooley, Muffley, Haviland, Kessler.
5. Education.—Tooley, Selway, Rae, McCarthy, Haviland.
6. Engrossed Bills.—Kessler, Cockrell, Fairbanks.
7. Enrolled Bills.—Rae, McCone, Truscott.
8. Federal Relations.—McCarthy, Edwards, Sykes, Sanders, Conrow.
9. Finance and Claims.—McCone, Metcalf, Edwards, Fairbanks, Everett, Romney, Truscott.
10. Judiciary.—Edwards, Meyer, Tooley, Kessler, Sykes, Long, Cockrell.
11. Military Affairs.—Cockrell, Daly, Everett.
12. Mines and Mining.—Daly, Rae, Albright, Muffley, Haviland.
13. Public Buildings.—Metcalf, McDonnell, Annin, Meyer, Sanders, Daly, Conrow.
14. Public Lands.—Cowgill, Donlan, Tooley, McCarthy, McCone.
15. Public Morals.—Muffley, Tooley, Fairbanks.
16. Printing.—Sanders, Metcalf, Muffley.

17. Roads, Highways and Bridges.—Sykes, Annin, Cowgill, Meyer, Selway, Conrow, Truscott.

18. Libraries.—Conrow, Selway, Daly.

19. Irrigation and Water Rights.—Albright, Everett, Metcalf, Edwards, McDonnell, Long, McCarthy.

20. Fish and Game.—Annin, Meyer, McCone, Cardwell, Long.

21. Election and Privileges.—Fairbanks, Meyer, Sanders, Romney, Cockrell.

22. Labor and Capital.—Long, McDonnell, Sanders, Rae, Truscott.

23. Stock Growing and Grazing.—Selway, McCone, Metcalf, Cowgill, Everett, Sykes, Cardwell.

24. Immigration.—Cardwell, Annin, Kessler, Rae, Daly.

25. Apportionment and Representation.—Rae, Fairbanks, Sanders, Selway, McCarthy.

26. Fairs and Expositions.—Haviland, Donlan, Everett, Truscott, Albright.

27. Railroads and Transportation.—Everett, Sanders, Selway, McDonnell, Edwards, Kessler, Cardwell, Muffley, Truscott.

28. Rules.—Donlan, Everett, Long.

29. Horticulture.—Romney, Meyer, Long, Donlan, Fairbanks.

Respectfully submitted,

C. P. TOOLEY,
J. B. ANNIN.
GEO. McCONE.

On motion of Tooley, seconded by McCone, report was adopted and committee discharged.

Following notice of introduction of Bills were given:

By Meyer: A bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer."

By Donlan: A bill for an Act to amend Section 6315 of the Revised Codes of Montana concerning the disqualification of Judges.

By Donlan: A bill for an Act exempting the sale of coal in State Lands.

Senator Cockrell asked permission to present his certificate of election.

By unanimous consent the certificate was received and placed on file.

On motion of Donlan, seconded by Sanders, the Senate adjourned at 3:30 P. M., until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifth Day.

Helena, Montana, January 8, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

An invitation from the Executive Office was received and read inviting the ladies accompanying the members of the Legislature to meet the wives of the State Officers in the Governor's Reception rooms at the State Capitol, Monday afternoon, January 11, from three until four o'clock.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 7, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that notice of intention to introduce the following bills was this day given:

By Burke: A bill entitled, "An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana; also for the payment of per diem of the officers and the attaches."

By Burke: A bill for an Act appropriating money for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

By Brewster: A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners' to relinquish undesirable lands to which the state is entitled, under land grants embraced within the United States Government Forest Reservations, and to make lieu selections in place thereof of agricultural and grazing lands.

By Brewster: A bill for an Act entitled, "An Act to define the word 'Estray' and to provide for the gathering and sale of unknown animals; the disposition of the proceeds derived from such sale, and to provide penalties for the taking up, using or disposing of estrays."

By Wood: A bill for an Act entitled "An Act to amend Sections 2054, and 2055, revised statutes of Montana, relating to letting of contracts by County Commissioners, concerning county poor, and the changing the date for letting the same."

By Duncan: A bill for an Act providing for the bonding of public officials by surety companies, and also providing for the payment of the premiums thereon out of the public funds.

By Duncan: A bill for an Act appropriating money to be used at the State Orphans' Home, at Twin Bridges, Montana, for the completion of the nursery building, the partitioning of the attic in the main building constructing a cow barn, and a heating plant for the school building and assembly room, and equipping same, building sidewalks, and fencing and also a water tank, and the laying of the tile and hardwood floors, the

equipping of several buildings of the institution with hot water pipes and facilities for furnishing hot water therefor, and for purchasing furniture for said institution.

By Gray: A bill for an Act to provide for the state inspection of grain and also for the state inspection and sealing of weights and measures and to repeal Sections 221 to 225, inclusive, Revised Codes.

By Gray: A bill for an Act entitled, "An Act to empower the county commissioners to employ some suitable person to investigate and report for taxation any property that may have escaped taxation."

By Garber: A bill entitled, "An Act to authorize counties to construct, and operate public ferries and wharves and regulate the same".

By Clayberg: A bill for an Act entitled, "An Act providing for issuance and levy of Alias Attachments."

By Woody: A bill for an Act entitled, "An Act relating to abstractors of title, the compiling, making, certifying to, and issuing of, Abstracts of Title to real property, and providing for the use thereof as evidence in the trial of civil actions."

By Cluston: A bill for an Act to determine the results of elections in the event of a tie vote.

By Whaley: A bill to amend Sections, 6364, 6365 and 6367, Revised Codes of 1907, relating to Grand Juries.

By Clayberg: A bill for an Act entitled, "An Act providing for notice to persons of the time and place of hearing to adjudge such persons insane or incompetent."

By Gray: A bill for an Act entitled, "An Act to repeal Section 6265 and to amend Section 6264, of the Revised Statutes relating to District Judges."

By McCoy: A bill entitled, "An Act to amend the Game Laws of the State and to protect certain vermin destroying birds other than game birds."

By Burns: A bill providing for the construction and maintenance of screens or splash wheels at the intake of all ditches diverting waters from streams or lakes within the state.

By Burns: A bill to create and maintain a Legislative Reference Bureau in the Historical and Miscellaneous Department of the Montana State Library, prescribing its duties, and providing for a Legislative Reference Librarian, and assistant in such Bureau.

By Berkin: A bill for an Act entitled, "An Act to require paddle wheels or screens to be placed in ditches, canals or other artificial means used to divert water.

By Clayberg: A bill for an Act entitled, "An Act to amend Section 6657 of the Revised Codes of Montana, 1907, relating to cases in which attachments may be issued and levied."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 7, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that

the following bills have been introduced in the House:

By Gibson, H. B. No. 4: A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Codes, of 1907, relating to the disqualification of Judges."

Bill was read first and second time by title and referred to Judiciary Committee."

By Woody, H. B. No. 5: A bill for an Act to amend Section 14 and 13 of the Revised Codes of Montana, 1907, relating to the construction and repair of bridges.

Read first and second time by title and referred to Committee on Internal Improvements.

By King, H. B. No. 6: A bill for an Act entitled, "An Act to prohibit the selling of stock of mining companies within the State of Montana, where such mining companies do not own mining claims, either by location or purchase, and to prevent such mining companies from doing business in the State of Montana:

Read a first and second time by title, and referred to Committee on Mines and Mining.

By Kilgallon, H. B. No. 7: A bill for an Act entitled, "An Act giving lien to inn keepers, boarding house keepers, lodging house keepers, and hotel proprietors, store keepers and merchants, upon wages due or to become due."

Was read first and second time by title and referred to Judiciary Committee.

By Duncan, H. B. No. 8: A bill for an Act to amend Sections 6364, 6365 and 6367 of the Revised Codes of the State of Montana, of 1907 relating to the empanelling of Grand Juries."

Was read first and second time by title and referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced and read first and second time:

By Donlan, Senate Bill No. 14: A bill for an Act providing that mortgages on real and personal property shall not be subject to taxation.

Referred to Committee on Finance and Claims:

By Meyer, Senate Bill No. 15: A bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer,"

Referred to Committee on Judiciary.

By Donlan, Senate Bill No. 16: A bill for an Act exempting from sale coal in state lands.

Referred to Committee on Public Lands.

By Donlan, Senate Bill No. 17: A bill for an Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of Judges.

Referred to Committee on Judiciary.

Notice of bills.

The following notices were given:

By Donlan: A bill for an Act entitled, "An Act to provide for the creation, organization, government, and extension of irrigation districts;

to prescribe the rights, powers, and duties thereof; to provide for the acquisition, either by construction, purchase or otherwise, and for the maintenance and control thereby of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor, and for the expenses of such districts; and to extend and apply the provisions of this Act to irrigation districts of the state heretofore organized or in process of organization under existing laws; and to repeal with certain reservations the provisions of Sections 2309 to 2402 both inclusive of Title X, Part III, of the Revised Codes of Montana of 1907."

By McCarthy: A bill for an Act amending sections 786, 2196, and 2197 of the Revised Codes of Montana, 1907, concerning the investment of the Normal School Funds; the permanent school, permanent agricultural and permanent university funds, and providing for the investment of the permanent funds of such other public state institutions as may be.

Moved by Donlan, seconded by Edwards, that the Secretary be instructed to have printed on card board of suitable size 250 copies of the list of standing committees; also order of business printed on reverse side of card board.

Motion adopted.

On motion of Donlan, seconded by McCarthy, the Senate adjourned at 11:05 A. M. until 2 P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Eighth Day.

Helena, Montana, January 11, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Helena, Montana, January 11, 1909.

Mr. President:

Your Committee on Mileage, whose duty it is to ascertain the number of miles traveled by members of the Senate, to and returning from the Capitol, together with the several amounts due said members, begs leave to report as follows:

Lieut. Gov. W. A. Allen, Anaconda to Helena and return, 200 miles, $20.00.

Albright, Jacob, Virginia City to Helena and return, 392 miles, $39.20.

Annin, J. B., Columbus to Helena and return, 396 miles, $39.60.

Cardwell, Edward, Jefferson Island to Helena and return, 224 miles, $22.40.

Cockrell, M., Deer Lodge to Helena and return, 124 miles, $12.40.

Conrow, John M., Livingston to Helena and return, 246 miles, $24.60.
Cowgill, Wm., Choteau to Helena and return, 398 miles, $39.80.
Daly, Patrick J., Anaconda to Helena and return, 200 miles, $20.00.
Donlan, Edward, Missoula to Helena and return, 250 miles, $25.00.
Edwards, J. E., Forsyth to Helena and return, 692 miles, $69.20.
Everett, T. M., Harlem to Helena and return, 530 miles, $53.00.
Fairbanks, C. E., Plains to Helena and return, 405 miles, $40.50.
Haviland, W. H., Butte to Helena and return, 144 miles, $14.40.
Kessler, Chas. N., Helena to Helena and return, 10 miles, $1.00.
Long, Thomas D., Kalispell to Helena and return, 730 miles, $73.00.
Metcalf, George, Philipsburg to Helena and return, 192 miles, $19.20.
Meyer, W. F., Red Lodge to Helena and return, 596 miles, $59.60.
Muffley, Charles S., Winston to Helena and return, 42 miles, $4.20.
McCarthy, J. C., Bozeman to Helena and return, 198 miles, $19.80.
McCone, George, Glendive to Helena and return, 926 miles, $92.60.
McDonnell, Charles, Melville to Helena and return, 394 miles, $39.40.
Rae, H. M., Gilt Edge to Helena and return, 450 miles, $45.00.
Romney, Miles, Hamilton to Helena and return, 348 miles, $34.80.
Sanders, James, Great Falls to Helena and return, 200 miles, $20.00.
Selway, E. O., Dillon to Helena and return, 284 miles, $28.40.
Sykes, Harrison N., Ekalaka to Helena and return 1060 miles, $106.00.
Tooley, C. P., Two Dot to Helena and return, 240 miles, $24.00.
Trustcott, J. L., Glasgow to Helena and return, 750 miles, $75.00.

J. L. TRUSCOTT, Chairman.

On motion of Truscott, seconded by Donlan, report was adopted.

Helena, Montana, January 11, 1909.

Mr. President:

Your select committee, for the selection of Standing Committees, beg to report the following Committee on Insurance:

Insurance.—Annin, Selway, Tooley, Haviland, Muffley.

Respectfully submitted,

TOOLEY, Chairman.

On motion of Tooley, seconded by Truscott, report was adopted.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 8, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of bills were given:

By Eliel: A bill for an Act to prohibit the establishing and maintenance of social clubs at which liquors are sold in towns and villages of less than three hundred inhabitants; also regulating the wholesale liquor business in such towns and villages.

By Frank: A bill for an Act to ratify action of persons revising Codes of Montana in renumbering Sections thereof.

By Warren: A bill for an Act regulating the hours of all State engineers and firemen.

By Hutchinson: A bill for an Act to amend Section 1303 of the

Revised Statutes of the State of Montana relating to the salary of chaplain of the Soldiers' Home.

By Gray: A bill for an Act to amend Section 2882, Revised Statutes, defining a legal fence.

By Gray: A bill for an Act to provide for a whipping post for wife beaters and vagrants who live upon the earnings of fallen women.

By Duncan: A bill for an Act making an appropriation of money for the State Orphans' Home at Twin Bridges, Montana, for the maintenance thereof, for the months of January and February, 1909.

By Clayberg: A bill for an Act to provide for the procedure in cases of tie votes in state, county and city elections.

By Burke: A bill for an Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370 and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana, 1895, and repealing, Section 6375 of the Revised Codes of Montana of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of District Courts, their duties, qualifications and compensations.

By Frank: A bill for an Act providing for payment of traveling expenses of State officers.

By Warren: A bill for an Act relating to telegraph and telephone operators who shall have a certificate from the State Railroad Commission as to their competency before being employed by the railroad company to handle train orders governing the movements of trains.

By Wilham: A bill for an Act to define the powers and duties of County Surveyors and to provide for their compensation.

By Kelsey: A bill for an Act for the appropriation of money to pay the bounty claims of a certain person.

By Whaley: A bill to amend Sections 8582, 8583 and 8585, Revised Codes of 1907, relating to carrying concealed weapons.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 8, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following bills have to-day been introduced:

By Wilham, H. B. No. 9: An Act appropriating for improvements and additions at the State School for the Deaf, Blind and Feeble Minded at Boulder, Montana; and for the completion of tunnels; making addition to the engine house and laundry; and for the erection of fire escapes and a system of water works at the said school.

By Wilham, H. B. No. 10: A bill for an Act appropriating money for the erection and equipment of a hospital and domestic science building at the Montana School, for the Deaf, Blind and Feeble Minded, at Boulder, Montana, also for the construction of a tunnel connceting it with the water supply heating plant, and with the other buildings, and for a sewerage system therefor.

By Burke, H. B. No 11: An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legis-

lative Assembly of Montana.

By Burke, H. B. No. 12: An Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

By Burke, H. B. No. 13: An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana.

By Gray, H. B. No. 14: A bill for an Act entitled, "An Act to amend Section 6264 and to repeal Section 6265 relating to the number of District Judges.

By Gray, H. B. No. 15: A bill for an Act entitled, "An Act concerning the taxation of real estate encumbered by mortgage, or other record evidence of indebtedness.

By Duncan, H. B. No. 16: A bill for an Act appropriating money to be used at the Orphan's Home at Twin Bridges, Montana for the completion of the Nursery building, the partitioning of the attic of the main building, constructing a cow barn, and also a heating plant for the school building, and the assembly room, and equipping same; building side walks, and fencing, and reconstructing the water tank and the laying of tile, and hardwood floors; the equipping of the several buildings of the institution with hot water pipes, and facilities for furnishing hot water therefor; and for purchasing, and installing furniture for said institution.

By Duncan, H. B. No. 17: A bill for an Act to amend Sections 4225, and 4226 of the Revised Codes of Montana, 1907, relating to religious, social, and benevolent corporations, may incorporate co-jointly.

By Kilgallon, H. B. No. 18: A bill for an Act entitled, "An Act to repeal Section 2108 of the Penal Code, Section 9309, of the Revised Codes of the State of Montana, and to enact in lieu thereof a new Section to be known as Section 9309 of the Revised Codes of Montana, pertaining to the appointment of County Atorneys, by District Judges.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 8, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body that the following bills were read first and second tmes and referred to the following committees.

By Wilham, H. B. No. 9: Was read first time by title, and second time at length, and referred to the Appropriation commitee.

By Wilham, H. B. No. 10: Read first time by title, second time at lenght, and referred to the Appropriation Committee.

By Burke, H. B. No. 11: Read first time by title, second time at lenght, and referred to the Appropriation Committee.

By Burke, H. B. No. 12: Was read first time by title, second time at lenght, and referred to the Appropriation Committee.

By Burke, H. B. No. 13: Was read first time by title, second time at lenght, and referred to the Appropriation Committee.

By Gray, H. B. No. 14: Was read first and second time by title and referred to Judiciary Committee.

By Gray, H. B. No. 15: Was read first and second time by title, and referred to Judiciary Committee.

By Duncan, H. B. No. 16: Was read first time by title, second time at length, and referred to Appropriation Committee.

By Duncan, H. B. No. 17: Was read first and second times by title, and referred to Committee on Corporations Other than Municipal.

By Kilgallon, H. B. No. 18: Was read first and second time by title, and referred to Judiciary Committee.

The following bills were introduced and read first and second times:

By Donlan, Senate Bill No. 18: A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of irrigation districts; to prescribe the rights, powers and duties thereof; to provide for the acquisition either by construction, purchase or otherwise, and for the maintenance and control thereby, of works, water, property, and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor and for the expenses of such district; and to extend and apply the provisions of this Act to irrigation districts of the State heretofore organized or in process of organization under existing laws, and to repeal with certain reservations the provisions of Sections 2309 to 2402 both inclusive of Title I, Part III of the Revised Codes of Montana, of 1907."

Referred to Committee on Irrigation and Water Rights.

By Romney, Senate Bill No. 19: A bill for an Act entitled, "An Act for the relief of the widow and minor children of Charles B. Peyton, a Deputy State Game Warden, who was killed while in the performance of his official duty by Indians, on the 18th day of October, 1908."

Referred to Committee on Finance and Claims.

Notice of bills were given as follows:

By Donlan: A bill for an Act to provide for the issue and sale by the State Board of Examiners of bonds for the purpose of erecting wings to the State Capitol, and to provide for the erection of said wings under the authority and direction of the State Board of Examiners.

By Donlan: A bill for an Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; to provide for the collection and compilation of statistics for the use of said Bureau by counties and by chambers of commerce, commercial bodies, farmers' institutes, co-operative societies of farmers, State federative trade unions, and other industrial associations of promotive character; to provide for the publication and publicity of such statistics; to provide for appropriation by counties and by the State to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said Bureau.

By Donlan: A bill for an Act to amend Sections 149, 168, 194, 186 and 175 of the Revised Codes of Montana, of 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer.

By Everett: A bill for an Act entitled, "An Act to regulate the

fees or compensation allowed to State and county officers, jurors, witnesses, and others who travel at the public expense as traveling expenses."

By Cowgill: A bill for an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another."

By Cowgill: A bill for an Act to change the boundaries of the Eighth and Eleventh Judicial Districts of the State of Montana, by detaching Teton County from the Eleventh Judicial District, and attaching it to the Eighth Judicial District and to provide for an additional Judge for the Eighth Judicial District so that there will hereafter be two judges in said Eighth Judicial District, one of whom shall keep his chambers at the town of Choteau, Teton County.

By McCarthy: A bill for an Act to create a Legislative Reference Bureau, designating its members, defining its powers and duties, and providing for assistant librarians in connection therewith, and fixing their salaries.

By McCone: A bill entitled "An Act to amend Section 8689 of the Revised Codes of Montana, of 1907, respecting the sale of mortgaged property," or its removal from the county in which it is situated."

By Romney: A bill for an Act to amend Section 1025 and Section 1029 of the Revised Codes of the State of Montana for 1907, relating to the designation of Pioneer Day, and to the course of exercises.

By Meyer: A bill for an Act entitled, "An Act relating to, and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes."

By Cockrell: A bill for an Act to amend Section 480 of the Revised Codes of the State of Montana for 1907, relative to questions to be put to electors and cancelling of registration of electors.

On motion of Meyer, seconded by McCone, the Sergeant at Arms is directed to provide the Senate with two copies of the Revised Codes of Montana for 1907, and see to it that one copy be kept at each end of the Secretary's desk during the Session for the use of the Senate.

On motion of Donlan, seconded by McCone, the Secretary is authorized and instructed to employ another clerk for the use of the Secretary's office and of the Senate.

On motion of Albright, seconded by Donlan, the Senate adjourned at 3:35 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Ninth Day.

Helena, Montana, January 12, 1909.

Senate convened at 2:30 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

By request of Kessler, by unanimous consent, Senator Daly was granted a leave of absence.

Journal read and approved.

Standing committee reported as follows:

Senate Chamber, Helena, Montana, January 11, 1909.

Mr. President:

Your Committee on Irrigation and Water Rights to whom was referred Senate Bill No. 18, beg leave to report as follows:

We have had same under consideration and recommend that the same be printed.

Respectfully submitted,

ALBRIGHT, Chairman.

On motion of Albright, seconded by Tooley, report was adopted, and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following communication was received from His Excellency, the Governor:

Executive Office,

Helena, Montana,

January 11, 1909.

The Speaker of the House of Representatives,

House of Representatives,

Helena, Montana:

I have the honor to transmit herewith sundry bounty claims which were disallowed by the State Board of Examiners for the reason that said claims were issued under the old law subsequent to the passage of the law of 1907.

Also, certain deficiency claims which have been acted upon by the State Board of Examiners.

All of which claims are transmitted for such action as the House may deem proper.

EDWIN L. NORRIS, Governor.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 12. 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the

following notices of intention to introduce the following bills, have been given:

By Cummings of Chouteau: A bill for an Act to amend Sections 1287, 1288, and 1295, of the Revised Codes of Montana, relating to the Soldiers' Home.

By Hunter: A bill for an Act fixing the compensation of County Commisisoners, and providing that they shall occupy their entire time in the performance of the duties of their office.

By Brewster: A bill for an Act to repeal Section 1792, of the Revised Codes, relating to the publication of marks and brands, and to provide in lieu thereof, for the recording of marks and brands, and the publication thereof.

By McCoy: An Act to amend Sub-Division 1, of Section 1161 of the Political Code of the State of Montana, in relation to proclamations of elections by the Governor.

By Hutchinson: An Act to amend Sections 8871, 8872, 8873 and 8874, of the Revised Codes of Montana, 1907, relating to noxious weeds.

By Norton: An Act to amend Section 3315, Article 7, Chapter 3, Part 4, of the Political Codes, Revised Codes, relating to the qualification of Police officers by providing for the salary of same.

By Frank: A bill for appropriation of money for payment of the claim of Julius Barney.

By Woody: A bill for an Act entitled, "An Act relating to the commencement of actions to set aside sales of property for delinquent taxes."

By Allen: A bill for an Act to secure liens to mechanics, laborers, horseshoers, and wagon builders, and repairers.

By Hall: A bill for the enactment of the abolishment of the Poll-Tax Law.

By Clayberg: A bill for an Act entitled, "An Act for the creation of a State Forest Commission, for the Conservation, Maintenance, and Control of the state timber lands and to further the interests of forestry, and timber culture, in the State of Montana."

By Clayberg: A bill for an Act entitled, "An Act to amend Section 8677, of the Revised Codes of Montana, 1907, relating to extortion, and refusal to pay wages without discount for work, and labor performed for and in behalf of any corporation or association of persons."

By Calyberg: A bill for an Act entitled, "An Act to authorize the compromise about standing disputed evidences of indebtedness of cities and towns issued for municipal purposes, and now held or owned by bonified holders thereof, for value, and the issuance of pending bonds therefor."

By Warren: A bill for an Act making the Second Judicial District of the State of Montana to be comprised of the Counties of Silver Bow and Beaverhead; and the Fifth Judicial District to be comprised of the Counties of Madison and Jefferson.

By Duncan: A bill for an Act to amend Sections 4872 and 4873 of the Revised Codes of Montana, 1907 and being Sections 4 and 5 of Chapter 185 of the Session Laws of 1907, approved March 9th, 1907, relating to the appropriation of water and providing the manner in which

water may be appropriated, and a right thereto acquired from adjudicated streams, creeks, canyons, rivers and ravines.

By Kilgallon: A bill for an Act entitled "An Act to provide a home for aged, decrepid, or crippled miners and prospectors; and under certain conditions, to admit the dependent wives or mothers of said miners and prospectors to said home, and to provide for the purchase or acceptance by gift of suitable lands on which the said home is to be erected, and providing for a board of managers, and other employees, outlining their duties, and further providing ways and means for the conduct of said home, and providing for the expenses and maintenance of said home, and making the necessary appropriations to carry out the provisions of this Act."

By Byrnes: A bill entitled, "An Act to amend Section 7359 of the Revised Codes of Montana, of 1907, relating to the proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted."

By Pomeroy: A bill for an Act entitled an Act to create the county of Kootenai; designate its boundaries, and provide for its organization and government.

By Bogart: A bill for an Act extending the jurisdiction of Notaries Public, and making their jurisdiction, co-extensive with the boundaries of the state.

By Edgerton: A bill for an Act to abolish the Carey Act Board and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said board.

By McCoy: A bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana, of 1907, in relation to the form of ballots to be used.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 11, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following Standing Committees of the House have been appointed:

STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES OF THE ELEVENTH LEGISLATIVE ASSEMBLY.

W. W. McDowell, Speaker.

Ways and Means.—MacGinniss, Hammond, Whaley, Burke, Wilham, Cummnigs T. A., Christler, Gray, Gilgallon, Woody, Connelly.

Judiciary.—Frank, Duncan, Crutchfield, Pierson, Gray, Woody, Pomeroy, Clayberg, Gibson, Hammond, Wood.

Privileges and Elections—McCoy, Duncan, MacGinniss, Edgerton, Lehrkind, Cummings H. T., Largey, O'Donnell, Coit.

Appropriations.—Kilgallon, Cluston, Burke, Wilham, Shoemaker, Woody, Harbert, Eliel, Hunter, Owenhouse, Metzel.

Banks and Banking.—Largey, MacGinniss, Lehrkind, Woody, Bogart,

Ward, Shaw, Crouch, Wood, Connelly, Murray.

Mines and Mining.—Byrnes, Kilgallon, Dowling, Berkin, Cummings, H. T., O'Donnell, White, Lowney, Gibson.

Townships and Counties.—Duncan, Warren, Roy, Whaley, Connelly, Thompson, Pierson, Coit, Mitchell.

Military Affairs.—Coit, Christler, Hammond, Hall, Derry, Lowney, Butzerin.

Internal Improvements.—Norton, Allen, Bogart, Clayberg, Brewster, Butzerin, Coit.

Improvements and Manufacturing.—Mitchell, Warren, Brewster, Roy, Witmer, Thompson, Smith.

Horticulture.—Groff, Garber, Butzerin, Arnett, Pomeroy.

Education.—Roy, Groff, Eliel, Christler, Hall, Hammond, Frank, Hutchinson, King, Woody, Maxwell.

Federal Relations.—Lowney, Roy, Smith, Giovanetti, Safley.

Development and Publicity—Christler, Berkin, Metzel, Kelsey, Byrnes, Swick.

Agriculture.—Elliott, Christler, Bogart, Owenhouse, Jacobson, Norton, Hall.

Conservation of Resources.—Clayberg, Largey, Edgerton, Byrnes, Arnett, Elliott, Bogart, King, Cummings H. T.

Waterways and Navigation.—Harbert, Garber, Hayes, Giovanetti, King, Hutchinson, Eliel.

Irrigation and Water Rights—Whaley, Cummings H. T., Woody, Shaw, Byrnes, White, Elliott, Metzel, Groff, Maxwell, Pomeroy.

Labor.—Hayes, O'Donnell, Witmer, Groff, Butzerin, Norton, Derry, Murray, Crouch, Swick, Garber.

Railroads and Transportation.—Pierson, Hayes, Brewster, Whaley, Maxwell, Wilham, Connelly, Mitchell, Clayberg, Hunter, Berkin.

Dairying.—Cummings T. A., Groff, Jacobson, Giovanetti, Gibson, Kelsey, Warren, White, Wood.

State Lands.—Cluston, Wilham, Shoemaker, Ward, Burke, Crouch, Eliel.

State Boards and Officers.—Owenhouse, Lehrkind, Brewster, McCoy, Jacobson, Lowney, Hunter.

Apportionment and Representation.—Garber, Hutchinson, Cluston, Hall, King, Giovanetti, Bogart. O'Donnell, Hanifen.

State Institutions, Public Buildings and Grounds.—Shoemaker, Frank, Cluston, Thompson, Norton, Safley, Crutchfield, Derry, Owenhouse, Swick, Dowling.

Fish and Game.—Berkin, Harbert, Byrnes, Brewster, Kilgallon, Witmer, Mitchell, Murray, Hanifen, Duncan, Coit.

Affairs of Cities.—Burke, Ward, Warren, Edgerton, Pierson, Harbert, Norton, Connelly, Shaw.

Mileage and Per Diem.—King, Dowling, Smith, Garber, Witmer, Roy, Shaw.

Engrossment—.Warren, Berkin, Edgerton, Hammond, Kelsey, Byrnes, Jacobson.

Libraries.—Allen, Arnett, Hanifin, Hammond, Hutchinson.

Highways.—Dowling, Largey, Gray, Berkin, Warren, Owenhouse, White, Garber, Kelsey.

Livestock and Public Ranges.—Crouch, McCoy, Cummings T. A., Elliott, Thompson, Hanifen, Arnett, Metzel, Hunter.

Rules, Joint Rules, and Order of Business.—Burke, Cluston, Cummings T. A., Duncan.

Printing.—O'Donnell, Garber, Dowling, Swick, Lehrkind, Warren, Hayes, Shaw, Derry.

Enrollment.—Woody, Largey, Pomeroy, Warren, Safley.

Insurance.—Lehrkind, Shoemaker, MacGinniss, Murray, Frank, O'Donnell, Gibson.

Fairs and Expositions.—Wilham, Largey, Warren, Mitchell, Wood.

Corporations other than Municipal.—Crutchfield, Pierson, Frank, Harbert, Cluston, Wood, McCoy, Allen, Safley.

Sanitary Affairs.—Hammond, McCoy, Shoemaker, Burke, Smith, Clayberg, Hutchinson.

House Employees.—Ward, Pierson, Whaley, Norton, Groff, Maxwell, Eliel.

Journal.—Hanifen, Duncan, Gray, Allen, Edgerton.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 11, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were introduced, read first and second times and referred:

By Cluston, H. B. No. 19: A bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part III, Title III, of the Political Code, of the State of Montana, relating to the duties of canvassing boards.

Referred to Committee on Privileges and Elections.

By Woody, H. B. No. 20: A bill for an Act entitled, "An Act relating to Abstractors of Title, the making, compiling, certifying to, and issuing of abstracts of title to real estate, and providing for the use thereof as evidence in the trial of civil action.

Referred to Committee on Judiciary.

By Woody, H. B. No. 21: A bill for an Act to provide for the taxation of mortgages on real property.

Referred to Judiciary Committee.

By Whaley, H. B. No. 23: A bill for an Act to amend Section 6364, Revised Codes of Montana, 1907, relating to the empaneling of Grand Juries.

Referred to Judiciary Committee.

By Byrnes, H. B. No. 24: A bill for an Act entitled, "An Act to amend Section 8783, Chapter I, Title 16, of the Penal Code of Montana, relating to the protection of wild game by adding antelope, mountain sheep, mountain goat, beaver, female elk, grouse, fool hen, sage hen, killdeer plover, to the list of wild game protected by a continuous closed season.

Referred to Fish and Game Committee.

By Frank, H. B. No. 25: A bill for an Act to approve, legalize, and adopt the division and arrangement of the Revised Codes of Montana, of 1907,

Referred to Judiciary Committee.

By Clayberg, H. B. No. 26: A bill for an Act entitled, "An Act to provide for party nominations by direct vote."

Referred to Judiciary Committee.

By Frank, H. B. No. 27: A bill for an Act entitled, "An Act providing for the payment of traveling expenses of the Governor, Attorney General, Secretary of State and State Auditor, when travelling on official business.

Referred to Appropriation Committee.

By Duncan, H. B. No. 28: A bill for an Act making appropriation of money for Orphans' Home at Twin Bridges, Montana, for the maintenance thereof for the months of January and February, 1909.

Referred to Appropriation Committee.

By Brewster, H. B. No. 29: A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesireable land to which the State is entitled under the land grants embraced within the United States Government Reservation and to make lieu selections in place thereof, of agricultural and grazing lands.

Referred to Committee on State Lands.

By Clayberg, H. B. No.30: A bill for an Act entitled, "An Act to provide for the procedure in case of tie votes in state, county, and city elections.

Referred to Committee on Privileges and Elections.

By Norton, H. B. No. 31: A bill for an Act to declare and make the 12th day of October of each and every year a public holiday, to be known as Columbus day.

Referred to Committee on Education.

By Brewster, H. B. No. 32: A bill for an Act to amend Section 8783, of the Revised Codes of Montana, of 1907, by including antelope, beaver, grouse, prairie chicken, fool hen, sage hen, pheasant, partridge, and turtle dove, among the wild animals and game birds, the killing of which is prohibitive, and to repeal Section 8787 of the Revised Codes of Montana of 1907.

Referred to Committee on Fish and Game.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On request of McDonnell the report of the Committee on Mileage is corrected to read: McDonnell, Big Timber to Helena and return 316 miles $31.60.

The following bills were introduced, read first and second times and referred:

By McCone, Senate Bill No. 20: A bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana, of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated.

Referred to Committee on Judiciary.

By Meyer, Senate Bill No. 21: A bill for an Act entitled, "An Act relating to, and to regulate the granting of, new trials and the reversal and setting aside of judgments in criminal causes.

Referred to Committee on Judiciary.

By McCarthy, Senate Bill No. 22: A bill for an Act entitled, "An Act to create and establish a legislative reference bureau, designating its members, defining its powers and duties, providing for assistant librarians in connection therewith, and fixing their salaries.

Referred to Committee on Libraries.

By Donlan, Senate Bill No. 23: A bill for an Act entitled, "An Act to amend Sections 149, 168, 194, 186 and 175 of the Revised Codes of Montana, of 1907, relating to the Salary of the Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer.

Referred to Committee on Finance and Claims.

By Donlan, Senate Bill No. 24: A bill for an Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; and to provide for the collection and compilation of statistics for the use of said bureau by counties and by Chambers of Commerce, Commercial Bodies, Farmers' Institutes, Co-operative Societies of Farmers, State Federative Trades Unions, and other industrial associations of promotive character; and to provide for the publication and publicity of such statistics, to provide for appropriations by counties and by the state to meet the expenses incurred in the furtherance of such purposes, and to provide for the appointment and salary of an assistant clerk for said bureau.

Referred to Committee on Judiciary.

By Everett, Senate Bill No. 25: A bill for an Act entitled, "An Act to regulate the fees or compensation allowed all state and county officers, jurors, witnesses and others who travel at public expense as traveling expenses."

Referred to Committee on Counties, Towns, and Municipal Corporations.

By Cowgill, Senate Bill No. 26: A bill for an Act entitled, "An Act to amend Section 876, revised Codes of Montana, of 1907, relating to the transfer of school moneys from one school district to another.

Referred to Committee on Education.

Notices of the introduction of bills were given as follows:

By McCone: A bill for an Act entitled, "An Act relating to banks and banking providing for conversion from a state bank to a national bank and surrender its charter as a state bank and transfer its property; providing for an increase or decrease in the capital stock of such bank; providing for a conversion from a national to a state bank."

By Muffley: A bill prohibiting marriage between white persons and negroes or persons of negro blood and between white persons and japanese and chinese and making such marriage void and prescribing punishment for solemnizing such marriage.

By Sanders: A bill for an Act entitled, "An Act requiring any person, railway corporation or company operating a line of railway in the State of Montana, to equip its locomotive engines with electric head light of

not less than 1500 candle power without the aid of a reflector, or other head lights of not less than 1500 candle power without the aid of a reflector, and providing a penalty for the violation of this act."

By Romney: A bill for an Act relative to commission merchants or persons selling agricultural products and farm produce commission.

The following notice of motion was given:

Senate Chamber, Helena, Montana, January 12, 1909.

By Everett:

Mr. President:

I hereby give notice that I will on tomorrow or some subsequent day move to amend the rules of the Senate by increasing the Committee on Stock Growing and Grazing from seven to nine members, and the Committee on Irrigation and Water Rights from seven to nine members.

EVERETT.

On motion of McCarthy, seconded by Donlan, a vote of thanks was extended to the Montana Club for invitations to the Legislative Smoker to be given January 14, 1909.

On motion of Donlan, seconded by Albright the Senate adjourned at 3:05 P. M. until 2 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Tenth Day

Senate Chamber, Helena, Montana, January 13, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Helena, Montana, January 12, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Coroprations to whom was referred Senate Bill No. 5 beg leave to report as follows: That same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Annin, motion adopted, and bill referred to Printing Committee.

Helena, Montana, January 12, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill number 15 having had same under consideraiton beg leave to report as follows:

Respectfully recommend that same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted, and bill referred to Committee on Printing.

Helena, Montana, January 12, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred Senate Bill numbered 13 having had same under consideration beg leave to report as follows:

We respectfully recommend that the Bill be amended in Section 16 by striking out the word "thirty" after the word "effect" and insert in lieu thereof the word "sixty", and as amended that the bill do pass.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded, by Albright, report adopted and bill referred to Committee on Printing.

Helena, Montana, January 13, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred Senate Bill numbered 12, having had same under consideration beg leave to report as follows:

We respectfully recommend that the bill be amended in Section 2, by striking out after the word "exceeding" the word "one" and insert in lieu thereof the word "four", and as amended that the bill do pass.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by Annin, report adopted and bill referred to Committee on Printing.

Helena, Montana, January 13, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 19 having had same under consideration beg leave to report as follows:

We recommend that the bill be printed.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Romney, report adopted, and bill referred to Committe on Printing.

Helena, Montana, January 13, 1909.

Mr. President:

Your Committee on Corporations other than Municipal to whom was referred Senate Bill No. 11 beg leave to report as follows:

That it has considered said bill and its provisions and respectfully recommend its passage.

Respectfully,

MEYER, Chairman.

On motion of Albright, seconded by Kessler, motion adopted and bill referred to Committee on Printing.

The following Communications from the House were received and read:

House of Representatives, Helena, Montana, January 12, 1909

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill Bill No. 11 by Burke, "An Act to appropriate moneys for the payment of per diem for the officers and attaches of the Eleventh Legislative Assembly of the State of Montana," was reported back from the Committee on Appropriations with recommendation that it do pass, and referred to Printing Committee.

House Bill No. 12, by Burke: "An Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana", was reported back from the Committee on Appropriations with recommendation that it do pass and referred to Printing Committee.

House Bill No. 13, by Burke: "An Act to appropriate money for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana," was reported back from the Committee on Appropriations with recommendation that it do pass and referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of intention to introduce bills were given as follows:

By Harbert: A bill for an Act entitled, "An Act to amend Section 2315 of Chapter I, Part III, Title X, of the Political Code, relating the election of Directors in Irrigation Districts."

By Frank: A bill defining the necessary qualifications of persons practicing in a Representatives capacity before Justices of the Peace, in counties of the first class.

By Cluston: A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several counties of Montana, in the House of Representatives, and to fix the number of members thereof."

By Frank: A bill defining the qualifications of Justices of the Peace in counties of the first class.

By Crouch: A bill for an Act entitled, "An Act to regulate the disposition of game shipped into the State of Montana, from other states or foreign countries."

By Kilgallon: A bill for an Act appropriating money for the payment of the per diem, and mileage of certain persons on account of services as presidental electors for the year 1909.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced and read the first and second time:

By Whaley, H. B No. 33: A bill for an Act to amend Sections 6342 and 6343, Revised Codes of Montana, 1907, relating to the selecting and returning of jurors.

Referred to Judiciary Committee.

By Whaley, H. B. No. 34: A bill for an Act entitled, "An Act to amend Sections 8582, 8583, and 8585 of the Revised Codes of the State of Montana, 1907, relating to the carrying of concealed weapons."

Referred to Committee on Military Affairs.

By Allen, H. B. No. 35: A bill for an Act to secure, liens to mechanics, laborers, horse-shoers, and wagon builders, and repairers.

Referred to Judiciary Committee.

By Frank, H. B. No. 36: A bill for an Act entitled, "An Act appropriating money for the payment of the claim of Julius Barney for services rendered as pay master in paying to the Spanish-American War Veterans, the back pay due them for services between the time of enrollment and mustering of service.

Referred to Committee on Military Affairs.

By Berkin, H. B. No. 37: A bill for an Act entitled, "An Act to require paddle wheels or screens to be placed in ditches, canals, or other artificial means used to divert water."

Referred to Committee on Irrigation and Water Rights.

By Duncan, H. B. No. 38: A bill for an Act amending Sections 4872, 4873, of the Revised Codes of Montana, 1907, and being Sections 4 and 5, of Chapter 185 of the Session Laws of 1907, approved March 9, 1907, relating to the appropriation of waters and providing the manner in which water may be appropriated and the right thereto acquire from adjudicated streams, springs, creeks, canyons, rivers, and ravines,"

Referred to Committee on Irrigation and Water Rights.

By Harbert, H. B. No. 39: A bill for an Act entitled, "An Act to prohibit live stock from running at large in any county or portion of county in which three-fourths of the lands therein are under fence, except in certain cases, and providing a penalty for the enforcement of this Act."

Referred to Committee on Live Stock and Public Renges.

By Wood, H. B. No. 40: A bill for an Act to amend Section 2054 and 2055, of the Revised Codes of Montana, 1907, relating to the letting of contracts by County Commisisoners for the care, support and manintenance of the county poor.

Referred to Judiciary Committee.

By Woody, H. B. No. 41: A bill for an Act entitled, "An Act relating to the commencement of actions to set aside sales of property for delinquent taxes, to cancel or annul tax deeds, and to recover property sold for delinquent taxes."

Referred to Comimttee on Ways and Means.

By Hutchinson, H. B. No. 42: A bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana, 1907, relating to the salary of the chaplain of the Soldiers' Home."

Referred to Committee on Appropriations.

By McCoy, H. B. No. 43: A bill for an Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of United States Senators.

Referred to Committee on Privileges and Elections.

By McCoy, H. B. No. 44: A bill for an Act to amend Section 545 of the Revised Statutes of the State of Montana, of 1907 in relation to form of ballots to be used.

Referred to Committee on Priveliges and Elections.

By Clayberg, H. B. No. 46: A bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness, of cities and towns issued for the municipal purposes, and now held or owned by bona fide holders thereof for the value and the issuance of funding bonds thereof."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 46: A bil for an Act entitled, "An Act to provide for notice to be given to persons of the time and place, of the hearing to adjudge such persons insane or incompetent."

Referred to Judiciary Committee.

By Byrnes, H. B. No. 47: A bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana, 1907, relating to proceedings for the recovery of escheated property, or the proceeds thereof and prescribing limitations of time in which such proceedings may be instituted."

Referred to Judiciary Committee.

By Bogart, H. B. No. 48: A bill for an Act to amend Sections 317, 318, Sub-division 5 and 6 of Sections 320, 325, 327, and 328, of the Revised Codes of Montana, 1907, extending the jurisdiction of Notaries Public, and making their jurisdiction co-extensive with the boundaries of the State."

Referred to Judiciary Committee.

By Warren, H. B. No. 49: A bill for an Act changing the boundaries of the Second Judicial District of the State of Montana, and to change the boundaries of the Fifth Judicial District to conform thereto.

Referred to Judiciary Committee.

By Burke, H. B. No. 50: An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, 1907, being Sections 370, and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana, of 1895, and repealing Section 6375 of the Revised Codes of Montana, of 1907, being Section 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana, of 1895 relating to Stenographers of the District Courts, their duties, qualifications and compensation.

Referred to Judiciary Committee.

By Hunter, H. B. No. 51: A bill for an Act fixing the compensation of County Commissioners, and providing that they shall occupy their entire time in the performance of the duties of their office.

Referred to Judiciary Committee.

By Brewster, H. B. No. 52: A bill for an Act to define the word "estray", to provide for the gathering and sale of estrays, and providing penalties for the taking up, using or disposing of estrays, contrary to law.

Referred to Committee on Live Stock and Public Ranges.

By Brewster, H. B. No. 53: A bill for an Act entitled, "An Act to repeal Section 1782 of the Revised Codes, relating to the publication of marks and brands, and to provide in lieu thereof for the recording of marks and brands and the publication thereof."

Referred to Committee on Live Stock and Public Ranges.

By Gray, H. B. No. 54: A bill for an Act entitled, "An Act to empower the City Council or corporate authorities of any city to regulate the rates and charges to be allowed corporations, companies or individuals for furnishing gas, water, or electricity in any such city or the inhabitants thereof, and to fix the maximum rates thereof.

Referred to Committee on Affairs of Cities.

By Gray, H. B. No. 55: A bill for an Act entitled, "An Act providing for the submitting to the electors of the State of Montana, for their approval or rejection, and amendment to Section 6, of Article 13, of the Constitution of the State of Montana, relating to the indebtedness of cities.

Referred to Committee on Affairs of Cities.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced read first and second times and referred:

By Sanders, Senate Bill No. 27: A bill for an Act entitled, "An Act requiring any person, railway corporation or Company, operating a line of railway in the State of Montana to equip its locomative engines with electric head lights, of not less than 1500 candle power without the aid of a reflector, or other head lights of not less than 1500 candle power without the aid of a reflector, and providing a penalty for the violation of this Act.

Referred to Committee on Railroads and Transportations.

By Romney, Senate Bill No. 28: A bill for an Act entitled, "An Act relative to commission merchants or persons selling agricultural and horticulture products or farm produce on commission.

Referred to Committee on Horticulture.

By Tooley, Senate Bill No. 29: A bill for an Act entitled, "An Act requiring all state county and other public officers to furnish official bonds executed by some surety company authorized to do business in the State of Montana.

Referred to Judiciary Committee.

By Donlan, Senate Bill No. 30: A bill for an Act entitled, "An Act to provide for the issue and sale by the State Board of Examiners, of bonds for the purpose of erecting wings to the State Capitol Building; and to provide for the erection of such wings under authority and direction of the State Board of Examiners."

Referred to Committee on Public Buildings.

On motion of Donlan, seconded by Long the chairman of Standing Committees in their reports shall embody the title of each bill in their report.

Everett moved to amend Rule XX, by increasing the Committee on Irrigation and Water Rights from seven to nine members and the Committee on Stock Growing and Grazing from seven to nine members.

Referred to Committee on Rules.

The following notices of the introduction of bills were given:

By Meyer: A bill for an Act to amend Section 3850 Revised Codes of Montana, 1907, relating to the annul reports of Domestic Corporations and exempting State Banks, Trust Companies and Building and Loan Associations from its requirements.

By Edwards: A bill entitled, "An Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors.

By Cockrell: A bill for an Act entitled, "An Act to provide for the apopintment and maintenance of a State Veterinary Medical Examining Board, describing their powers and duties and regulating the practice of Veterinary Medicine within the State of Montana.

By Donlan: A bill for an Act to amend Sections 3259, 3278, 3283, 3285, 3288 and 3239 of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana of the compilation of 1907.

A communication from the Secretary of State was received as follows:

Helena, Montana, January 12, 1909.

Office of the Secretary of State.

Mr. President:

The accompanying resolutions were received in my office since the adjournment of the Tenth Legislative Assembly with the request to transmit them to the next Legislative Assembly. I now have the pleasure of transmitting the same to the Honorable Senate of the State of Montana.

Respectfully submitted,

A. N. YODER, Secretary of State.

The resolutions referring to the election of the United States Senators by direct vote, were referred to the Committee on Election and Privileges.

The resolutions referring to the elction of89la,ionnMoerst9Batteach

The resolutions referring to child labor were referred to the Committee on Labor and Capital.

On motion of Donlan, seconded by Edwards the Senate adjourned at 3:05 P. M. until 1:30 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Eleventh Day.

Helena, Montana, January 14th, 1909.

Senate convened at 1:30 P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

By request of Tooley, Donlan is granted a leave of absence.

Journal read and approved as corrected.

Correction made by adding the following report:

Senate Chamber, Helena, Montana, January 13, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred Senate Bill numbered 1, having had same under consideration beg leave to report as follows:

We respectfully recommend that the bill be indefinitely postponed for the reason that Senate Bill number 12 refers to the same subject matter and covers a wider scope.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Tooley, report was adopted and bill indefinitely postponed."

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 14, 1909.

Your Committee on Finance and Claims to whom was referred Senate Bill numbered 14 beg leave to report as follows:

That we have had same under consideration and recommend that it do pass.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Rae, report adopted and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill numbered 8, A bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff and prescribing his duties, and fixing his compensation," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be printed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report was adopted and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill numbered 17, entitled, "A bill for an Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of Judges,"

having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be printed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill numbered 21, a bill for an Act entitled, "An Act relating to and to regulate the granting of new trial and the reversal and setting aside of judgments in criminal causes," having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill be printed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Horticulture to whom was referred Senate Bill numbered 28, entitled, "A bill for an Act entitled, An Act relative to commission merchants or persons selling agricultural and horticultural products, or farm produce on commission, "beg leave to submit the following report:

We recommend that the bill be amended by striking out the words, "When requested" in line 4, Section 2, and that as amended the bill do pass."

Respectfully,

ROMNEY, Chairman.

On motion of Romney, seconded by Annin, report adopted and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill numbered 20, a bill for an Act entitled, "An Act to amend Section 9689 of the Revised Codes of Montana, of 1907, respecting the sale of mortgaged property or its removal from the county in which it is situated, "having had the same under consideration, beg leave to report as follows:

Respectfully recommend that the title of the bill be changed by substituting the figures, 8689 for the figures 9689, and that the word "grand" be omitted from the last line but one of the first section of the bill, and that so amended, that the bill be passed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McCone, report adopted and bill referred to Committee on Printing.

Following communications from the House were received and read:

House of Representatives, Helena, Montana, January 13, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that notices of intention to introduce the following bills were to day given:

By Safley: A bill relative to the qualifications of teachers and issuance of special certificates.

By Murray: A bill for an Act to amend Section 1794 of the Revised Codes of Montana, 1907, relating to the exhibition of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned or occupied by the persons slaughtering the same, or on which he has received a permit so to do.

By Largey: A bill for an Act to amend Sections 3211, 3212 and 3214,, of Article I, Chapter III, Title III, Part IV, of the Political Code of the State of Montana, of the compilation of 1907.

By Swick: A bill for an Act entitled, "An Act to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases.

By Byrnes: A bill for an Act in relation to the proof of corporation existance.

By Duncan: A bill for an Act relative to the construction of dams, dykes, and embankments for the purpose of storing water and providing for the inspection thereof, by the State Engineer, provide a penalty for the violation of this Act and to repeal Sections 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, and 2151, of the Revised Codes of Montana, being Sections 3440, to 3553 inclusive of the Political Code of Montana.

By Norton: A bill for an Act to amend Section 3257, Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana, relating to the duties of City Treasurer.

By Norton: A bill for an Act to amend Sections 3223, 3225, 3232, 3238, 3240, 3241, and 3245, of Article III, Title III, Part IV, of the Political Code of Montana of the compilation of 1907.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 13, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced read first and second times and referred:

By Clayberg: A bill for an Act entitled, "An Act amending Section 8339, Part I, Title IX, Chapter I, Penal Code of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of Rape."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 57: A bill for an Act entitled, "An Act amending Section 8642, Part I, Title XIII, Chapter V, Penal Code of the Revised Codes of Montana, 1907, relating to larceny."

Referred to Judiciary Committee.

By Cummings of Chouteau, H. B. No. 58: An Act to amend Sections

1287, 1288, and 1295, of the Revised Codes of Montana, relating to the Soldiers' Home.

Referred to Committee on State Institutions.

By Kilgallon, H. B. No. 59: An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as presidential electors, for the year 1909.

Referred to Committee on Appropriations.

By Kilgallon, H. B. No. 60: A bill for an Act entitled, "An Act to provide a home for aged, decrepit, or crippled miners and prospectors, and under certain conditions to admit the dependent wives or the mothers of said miners and prospectors to said home, and to provide for the purchase or acceptance by gift of suitable lands on which the said home is to be erected, and providing for a board of managers, and other employees, and outlining their duties, and further providing ways and means for the conduct of said home, and providing for the expenses and maintenance of said home and making the necessary appropriations to carry out the provisions of this Act.

Referred to the Committee on State Institutions.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 14, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following house bills, numbers 11, 12, and 13 have passed the House Title agreed to and are herewith transmitted for their concurrence.

By Burke, H. B. No. 11: An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly, of the State of Montana.

By Burke, H. B. No. 13: An Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following House Bills were read first and second times and referred:

By Burke, H. B. No. 11: A bill for an Act to appropriate moneys for the payment of per diem, of the officers and attaches, of the Eleventh Legislative Assembly of the State of Montana.

Referred to Committee on Finance and Claims.

By Burke, H. B. No. 12: A bill for an Act making appropriations for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana.

Referred to Committee on Finance and Claims.

By Burke, H. B. No. 13: A bill for an Act to appropriate moneys for the payment of mileage and per diem for the members of the Eleventh Legislative Assembly of the State of Montana.

Referred to Committee on Finance and Claims.

The following bills were introduced, read first and second time and referred:

By McCone, Senate Bill No. 31: A bill for an Act entitled, "An Act relating to Banks and Banking, providing for conversion from a State Bank to a National Bank, and surrender of its charter as a State Bank, and transfer of its property, providing for an increase or decrease in the capital stock of such bank; providing for conversion from a National to a State Bank.

Referred to Committee on Corporations other than Municipal.

By Cowgill, Senate Bill No. 32: A bill for an Act entitled, "An Act to detach Teton County from the Eleventh Judicial District, and attach it to the Eighth Judicial District, and to provide for an additional Judge for the Eighth Judicial District, so that there will hereafter be two judges in said Eighth Judicial District, one of whom shall be keep his chambers at Chouteau, Teton County.

Referred to Judiciary Committee.

By Cockrell, Senate Bill No. 33: A bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of the State of Montana, for 1907, relative to the questions to be put to electors, and cancelling of registration of electors."

Referred to Committee on Election and Privileges.

By Muffley, Senate Bill No. 34: A bill for an Act entitled, "An Act prohibiting marriage between white persons and negroes, persons of negro blood, and between white persons, Chinese and Japanese, and making such marriage void, and prescribing punishment for solemnizing such marriages."

Referred to Committe on Public Morals.

By Edwards, Senate Bill No. 35: A bill for an Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors.

Referred to Committee on Election and Privileges.

By Meyer, Senate bill No. 36: A bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to the annual reports of domestic corporations and exempting State Banks, Trust Companies, and Building and Loan Associations from its requirements.

Referred to Committee on Corporations other than Municipal.

Notice of the introduction of Bills were given as follows:

By Selway: A bill for an Act providing that the First Judicial District, shall hereafter be composed of the Counties of Lewis and Clark, and Jefferson, and the Fifth Judicial District shall hereafter be composed of the Counties of Beaverhead and Madison.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bills numbered 11, 12 and 13, beg leave to report as follows: That House Bill No. 11 being an Act to appropriate moneys for the payment of Per Diem of the Officers and Attaches of the Eleventh Legislative Assembly of the State of Montana, also, H. B. No. 12, being, an Act making appropriation for the incidental expenses of the Eleventh Legislative Assembly of the State of Montana; also H. N. No. 13, being an Act to appropriate

moneys for the payment of mileage and Per Diem for the members of the Eleventh Legislative Assembly of the State of Montana, we have had same under consideration and recommend that they be concurred in.

Respectfully,

McCone, Chairman.

On motion of McCone, seconded by Albright, report adopted, and Bills referred to General File.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your Committee on Rules having had under consideration the motion to amend Rule 20 by increasing the Committee on Live Stock and Grazing from seven to nine members, and the Committee on Irrigation and Water Rights from seven to nine members, beg leave to report recommending that the motion be adopted and the rule so amended.

Respectfully,

EVERETT, Acting Chairman.

On motion of Everett, seconded by McCone, report was adopted.

Senate Chamber, Helena, Montana, January 14, 1909.

Mr. President:

Your select committee for the selection of standing committees beg leave to name the following additional members:

Irrigation and Water Rights.—Cowgill, Selway.

Stock Growing and Grazing.—Edwards, Rae.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Everett, report was adopted.

On motion of McCone, seconded by Albright, the Senate resolved itself into Committee of the Whole for the further consideration of bills on General File, with Everett in the chair.

Committee arose.

Senate resumed.

President in the chair.

Everett, chairman of the Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 14, 1909.

Your Committee of the Whole to whom was referred the General File of Bills begs leave to report as follows: that,

H. B. No. 11, by Burke, be concurred in.

H. B. No. 12, by Burke, be concurred in.

H. B. No. 13, by Burke, be concurred in.

Respectfully,

EVERETT, Chairman.

On motion of Sanders, seconded by Tooley, report adopted and bills referred to calendar for third reading:

On motion of Muffley, seconded by Tooley, by unanimous consent rules were suspended and House Bills numbered 11, 12, and 13, were placed on final passage.

H. B. No. 11, by Burke, read a third time and concurred in by the following vote:

Ayes: Annin, Albright, Cardwell, Cockrell, Conrow, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Cowgill, Daly, Donlan.—3.

Title agreed to.

H. B. No. 12, by Burke, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Cowgill, Daly, Donlan.—3.

Title agreed to.

H. B. No. 13, by Burke, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Cowgill, Daly, Donlan.—3.

Title agreed to.

On motion of Meyer, seconded by Albright, Senate adjourned at 3 P. M. until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twelfth Day

Helena, Montana, January 15, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

By request of Selway, Senators Edwards and Meyer were excused.

Prayer by the Chaplain.

Journal read and approved.

The President gave notice that he was about to sign House Bills numbered 11, 12, and 13, and the same were signed in open session.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 15, 1909.

Mr. President:

Your Committee on Counties, Towns, and Municipal Corporations to whom was referred Senate Bill numbered 10, introduced by Edwards, a bill for an Act entitled, "An Act to give Boards of County Commis-

sioners power to offer rewards, for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of detectives, and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party.

Having had the same under consideration beg leave to report as follows: We recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Rae, report was adopted, and bill referred to Committee on Printing.

Senate Chamber, Helena, Montana, January 15, 1909.

Mr. President:

Your Committee on Libraries to whom was referred Senate Bill numbered 22, being an Act entitled, "An Act to create and establish a Legislative Reference Bureau. We have had the same under consideration and recommend that it be printed.

Respectfully,

CONROW, Chairman.

On motion of Conrow, seconded by Selway, report adopted and Bill referred to Committee on Printing.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of intention to introduce bills were to-day given:

By Norton: A bill for an Act to amend Section 3478 of Article II, Chapter III, Title III, Part IV, of the Political Code of Montana, relating to platting cities.

By Coit: A bill for an Act to amend Sections 8474 and 8475 of the Revised Codes of Montana, 1907, making it unlawful to herd or drive live stock upon anothers land providing penalties therefor, and to give a right of action for damages.

By Lehrkind: A Bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance ex-officio, and to provide for the appointment of a deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary.

By Lehrkind: A bill for an Act to amend Sections 4019, 4023 of the Revised Codes of Montana, 1907, relating to licenses of Insurance Companies and agents.

By Shoemaker: A Bill for an Act to provide for the examination by the Commissioner of Insurance, of all insurance companies including surety companies, organized under the laws of this state, or organized under the laws of any other state, or territory, or foreign country, and to provide for the payment of expenses incurred in making such examination, and to provide for publishing the result of such examination and relating to the revocation of licenses, and to provide penalties for the violation of the provisions of this Act, and to repeal Sections 4065, 4068,

4071, 4128, and 4129 of the Revised Codes of Montana of 1907.

By Werner: A bill for an Act entitled, "An Act to declare the twelfth day of February in each year to be a legal holiday to be known and designated as Lincoln's Birthday."

By Hall: A bill for an Act entitled, "An Act granting and giving to the council of any incorporated city or town, the power to fix and establish reasonable rates and charges for gas, electric or other lights, and electric or other power sold within its limits.

By Gray: A bill for an Act entitled, "An Act to amend Sections 6315, Revised Codes, relating to disqualification of juries.

By Gray: A bill for an Act entitled, "An Act to amend Sections 9418, Revised Codes of Montana, relating to improvements of cities:

By Pomeroy: A bill for an Act entitled, "An Act to amend Section 5819 of the Revised Codes of Montana, 1907, relating to loggers liens.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred:

By Edgerton, H. B. No. 61: A bill for an Act to abolish the Carey Land Act Board, and providing that the State board of Land Commissioners shall perform the duties heretofore performed by said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said board.

Referred to Committee on State Boards and Officers.

By Gray, H. B. No. 62: A bill for an Act entitled, "An Act requiring the County Commissioners to employ suitable persons to investigate and report for taxation, property that has for any reason escaped taxation.

Referred to Committee on Ways and Means.

By McCoy, H. B. No. 63: A bill for an Act entitled, "An Act to amend Sub Division No. 1, of Section 1161, of the Political Code of the State of Montana, relating to proclamations of election by the Governor.

Referred to Committee on Privileges and Election.

By Murray, H. B. No. 64: A bill for an Act to amend Section 1794, of the Revised Codes of Montana, of 1907, relating to the exhibition of hides of slaughtered cattle by prohibiting the slaughtering of cattle on the public range, and providing that they shall be slaughtered only on the premises owned and occupied by the person slaughtering the same, or on which he has received a permit so to do.

Referred to Committee on Live Stock and Public Ranges.

By Garber, H. B. No. 65: A bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish rules and regulations therefor.

Referred to Committee on Highways.

By Duncan, H. B. No. 66: A bill for an Act entitled, "An Act requiring all state, county and other public officers to furnish official bonds

executed by some surety company authorized to do business in the State of Montana.

Referred to Committee on Insurance.

By Harbert, H. B. No. 67: An Act entitled, "An Act to amend Sections 2313, 2315, and 2318, of Part III, Title X, Chapter I, of the Political Code relating to the election of directors in Irrigation Districts."

Referred to Committee on Irrigation and Water Rights.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bill has been introduced.

By Wilham, H. B. No. 22: An Act appropriating money for the improvements on the ranch of the State School for the Deaf, Blind and Feeble Minded, at Boulder, Montana, and for the erection of a dairy barn poultry house and fencing on said ranch.

Read first time by title, second time at length, and referred to Committee on Appropriations.

This bill was introduced January 11, but through some error has not been reported to the Senate, until the present time.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read first and second times and referred:

By Selway, Senate Bill No. 37: A bill for an Act entitled, "An Act providing that the First Judicial District, shall hereafter be composed of the counties of Lewis and Clark, and Jefferson, and the Fifth Judicial District, shall hereafter be composed of the Counties of Beaverhead and Madison.

Referred to Committee on Judiciary.

Moved by Cowgill, seconded by Tooley, that all persons be excluded from the floor of the Senate Chamber, after to-day, except members of the Senate and House, State Officials, Reporters, Senate and House Employees and Guests holding cards, issued by members. Motion lost.

The following notices of the introduction of bills were given:

By Haviland: An Act to determine the liability of employers for injuries to employees.

By McCarthy: A bill for an Act entitled, "An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana, of 1907.

On motion of Donlan, seconded by Rae, the Senate adjourned at 11 A. M. until 2 P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifteenth Day

Helena, Montana, January 18, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 18, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bill numbered 8, introduced by Donlan, a bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff, and prescribing his duties and fixing his compensation; Senate Bill No. 11, introduced by Long, a bill for an Act entitled, "An Act to amend Section 4216 of the Revised Codes of the State of Montana so as to increase the maximum par value of the shares of stock of co-operative associations, permitting co-operative associations to divide its shares of stock, into classes and to legalize its stock heretofore issued in classes of different par values; Senate Bill No. 12, introduced by McCone, a bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana, relating to revenue and taxation; Senate Bill No. 15, introduced by Meyer; a bill for an Act entitled, "An Act authorizing the appointment of a stenographer for the State Treasurer"; Senate Bill No. 17' introduced by Donlan, a bill for an Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of Judges"; Senate Bill No. 19, introduced by Romney, a bill for an Act entitled, "An Act for the relief of the widow and minor children of Charles B. Peyton, a Deputy State Game Warden, who was killed while in the performance of his official duty by Indians on the 18th day of October, 1908"; Senate Bill No 20. introduced by McCone, a bill for an Act entitled, "An Act to amend Section 8689 of the Revised Codes of Montana of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated"; Senate Bill No. 21, introduced by Meyer, a bill for an Act entitled, "An Act relating to, and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes"; Senate Bill No. 28, introduced by Romney, a bill for an Act entitled, "An Act relative to commission merchants or persons selling agricultural and horticultural products, or farm produce or commission. Beg leave to report that they have been correctly printed.

Report accepted and Bills referred to General File.

Helena, Montana, January 18, 1909.

Mr. President:

We, members of your Committee on Elections and Privileges to which Committee was referred Senate Bill numbered 9, entitled, a bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the different counties in the State of Montana, of a

candidate for Senator in Congress for Montana for each political party in said State," beg leave to report as follows: to-wit:

That Senate Bill numbered 9, be indefinitely postponed.

Respectfully submitted,

ROMNEY.
COCKRELL.

MAJORITY REPORT.

Senate Chamber, Helena, Montana, January 15, 1909.

Mr. President:

Your Committee on Elections and Privileges to whom was referred Senate Bill numbered nine, a bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the different counties in the State of Montana, of a candidate for Senator in Congress, for Montana, for each political party in said State," having had the same under consideration beg leave to report as follows:

Respectfully recommend that Section 3 of said bill be amended by substituting in line five the words "a majority of the" for the words in said line "each of at least ten" and by amending Section 8 of said bill by striking out all thereof after the word "County" in line 4, and insert in lieu thereof the following: "And the candidate who is thus the choice of the electors of the party of which he is a member, in the largest number of counties electing a majority of the representatives of his party on joint ballot in the Legislature, shall be the choice of the electors of such party in all the counties of the state. In the event two or more candidates of the same political party are the choice in the same number of counties by electing a majority of the representatives of such party on joint ballot in the Legislature, then, and in such event, the choice of the candidates so tied shall be determined in favor of the candidates receiving the highest number of all the votes cast by the electors of such party for such candidates in the counties creating such tie." and that as thus amended that the bill do pass.

Respectfully,

FAIRBANKS, Chairman.

Moved by Long, seconded by Cockrell, that the majority report be adopted.

Meyer moved as a substitute motion, seconded by Donlan that the majority report be adopted.

Long demanded roll call.

Substitute motion carried as follows:

Ayes: Annin, Cowgill, Donlan, Edwards, Fairbanks, Kessler, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—14.

Noes: Cardwell, Cockrell, Conrow, Haviland, Long, Muffley, McCarthy.—7.

Absent and not voting: Albright, Daly, Everett, Romney, Truscott. Metcalf.—6.

Senate Bill No. 9, referred to Printing Committee.

Senate Chamber, Helena, Montana, January 18, 1909.

Mr. President:

Your Committee on Privileges and Elections, to whom was referred

Senate Bill numbered 6, a bill for an Act entitled, "An Act to amend Section 51 of the Revised Codes of Montana, concerning the term of office of Senators and Representatives, beg leave to report as follows:

Respectfully recommend that it do pass.

Respectfully,

FAIRBANKS, Chairman.

On motion of Donlan, seconded by Fairbanks, report adopted and bill referred to Committee on Printing.

Helena, Montana, January 18, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred Senate Bill numbered 25, a bill for an Act entitled, "An Act to regulate the fees or compensation allowed to all state and county officers, jurors, witnesses and others, who travel at the public expense". We have had the same under consideration and recommend that the same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by McCone, report was adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 11, 12, and 13, were read the third time and passed the House.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Committee on Enrollment reported back H. B. 11, 12, and 13, as correctly enrolled, and Mr. Speaker signed the same in the presence of the House.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices for the introduction of Bills have been given:

By Woody: A bill for an Act entitled, "An Act to amend Section 2542 of the Revised Codes of Montana, 1907, relating to the taxation of property omitted from taxation the previous year.

By Gray: A bill for an Act entitled, "An Act to amend Section 1361, of the Revised Statutes so as to permit the election of Road Supervisors by the people, and to amend Sections 1344, 1345, 1346, and 1347, regarding the taxes for Road purposes and the distribution thereof.

By Thompson: A bill for an Act to repeal Section 4015 of the

Revised Codes of Montana, concerning Banking Corporations of this state.

By Thompson: A bill for an Act to appropriate funds for the Fergus County Dry Land Farming Experimental Station.

By Harbert: A bill for an Act pertaining to the establishment of a Fish Hatchery in Flathead county.

By Committee on Federal Relations, Lowney, Chairman: A concurrent resolution entitled, "A memorial to Congress for constitutional amendment to prohibit polygamy and to secure uniform divorce laws."

By Pierson: A bill for an Act entitled, "An Act to amend Sections numbered 1889, 1890, and 1891, relating to the powers of the State Livestock Sanitary Board, authorizing the slaughter of diseased animals or animals exposed to disease, and providing appraisal and compensation therefor, and repealing Sections numbered 1841, 1842, 1847, 1848, 1850, 1851, and 1853 of the 1907, Revised Codes of Montana."

By Witmer: A bill entitled, a bill for an Act entitled, "An Act to amend Sections 2054 and 2055, of the Revised Codes of Montana, in relation to contract of taking care of the poor. Revised Codes of 1907.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were introduced, read first and second times and referred:

By Duncan, H. B. No. 58: A bill for an Act relative to the construction of dams, dykes and embankments for the purpose of storing water, providing for the inspection thereof by the State Engineer, and his expenses in relation thereto, and to provide for a penalty for the violation of the provisions of this Act, and to repeal Sections 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, and 2151, of the Revised Codes of Montana, being Sections 3440 to 3453 inclusive of the Political Code of Montana.

Referred to Committee on Irrigation and Water Rights.

By Norton, H. B. No. 69: A bill for an Act entitled, "An Act to amend Section 3315, of Article 7, Chapter 3, Part 4, of the Political Codes, Revised Codes of Montana, relating to the qualifications of police officers by providing for salary of same.

Referred to Committee on Affairs of Cities.

By Norton, H. B. No. 70: A bill for an Act to amend Section 3257, Article 3, Chapter 3, Title 3, Part 4, of the Political Code of Montana, relating to and defining the duties of City Treasurers.

Referred to Committe on Affairs of Cities.

By Warren, by request, H. B. No. 71: A bill for an Act entitled, "An Act regulating the hours of labor in all State Institutions."

Referred to Committee on Labor.

By Pomeroy, H. B. No. 72: An Act making it a crime for any person while hunting to maim, injure, or kill, or shoot, at any person or domestic animal intentionally or carlessly or negligently and without

malice, and providing punishment therefor.

Referred to Committee on Judiciary.

By Gray, By request, H. B. No. 73: An Act entitled, "An Act to amend Section 3418, of the Revised Codes of Montana, of 1907, extending the time for payment of installments of city improvements.

Referred to Committee on Affairs of Cities.

By Werner, H. B. No. 74: A bill for an Act entitled, "An Act to declare the 12th day of February in each year to be a legal holiday to be known and designated as Lincoln's Birthday.

Referred to Committee on Education.

By Hall, H. B. No. 75: An Act granting and giving to the council of any incorporated city or town the power to fix and establish reasonable rates and charges for gas, electric or other lights, and electric or other power, sold within its limits.

Referred to Committee on Affairs of Cities.

By Shoemaker, H. B. No. 76: An Act to provide for an examination by the Commissioner of Insurance of all Insurance Companies, including surety companies, organized under the laws of this state, or organized under the laws of any other state or territory or foreign country and to provide for the payment of expenses incurred in making such examination and to provide for publishing the results of such examination and relating to the revocation of licenses and to provide penalties for the violations of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128, 4129 of the Revised Codes of Montana, of 1907.

Referred to Committee on Insurance.

By Gray, H. B. No. 77: An Act entitled, "An Act providing for the corporal punishment of wife beaters, and vagrants."

Referred to Judiciary Committee.

By Coit, H. B. No. 78: An Act to amend Sections 8474 and 8475, of the Revised Codes of Montana, 1907, making it unlawful to herd or drive live stock upon anothers land providing penalties therefor and to give right of action for damages.

Referred to Committee on Live Stock and Public Ranges.

By Lehrkind, H. B. No. 79: A bill for an Act to amend Sections 4019 and 4023, of the Revised Codes of Montana, 1907, relating to licenses of Insurance companies and agents.

Referred to Committee on Insurance.

By Lehrkind, H. B. No. 80: A bill for an Act to provide that the State Auditor shall also be designated as Commissioner of Insurance, ex-officio, and to provide for a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an actuary.

Referred to Committee on Insurance.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill numbered 18, introduced by Kilgallon, a bill for an Act entitled,

"An Act to repeal Section 2108 of the Penal Codes, Section 9309 of the Revised Codes of the State of Montana and to enact in lieu thereof a new Section to be known as Section 9309 of the Revised Codes of Montana pertaining to the appointment of County Attorneys by District Judges, has been reported back from the Judiciary Committee with the recommendation that the same be indefinitely postponed. Report adopted by the House and House Bill No. 18, is indefinitely postponed.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following Bills have been reported back to the House from the respective standing committees, with the recommendation that they do pass:

H. B. No. 59: A bill for an Act entitled, "An Act appropriating money for mileage on account of service as presidential electors for the year 1909.

H. B. No. 67: A bill for an Act to amend Sections 2313, 2315 and 2318, of Part 3, Title 10, Chapter 1, of the Political Codes, relating to the election of directors in irrigation districts; and that

H. B. No. 3: A bill for an Act to amend Section 611, of the Revised Statutes relating to voting machines, as amended do pass. All of said bills referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read a first and second time and referred:

By Donlan, Senate Bill No. 38: A bill for an Act entitled, "An Act to amend Sections 3259, 3278, 3285, 3288, and 3289 of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana, of the compilation of 1907.

Referred to Committee on Counties, Towns, and Municipal Corporations.

By Cockrell, Senate Bill No. 39: A bill for an Act entitled, "An Act to provide for the appointment of a state board of Veterinary Medical Examiners, describing their duties and powers and regulating the practice of Veterinary Medicine within the State of Montana.

Referred to Committee on Stock Growing and Grazing.

The following communication from the Governor was received and read:

Executive Office, Helena, Montana, January 18, 1909.

To the President of the Senate,

Senate Chamber,

Helena, Montana:

I have the honor to transmit herewith a joint report of the Forestry and Land Commissions for your information and consideration. The commissione were appointed in compliance with the recommendations of the conference of Governors convened at the White House in May

last, upon the invitation of the President.

The purposes of the appointment of the commissions were to suggest means for the conservation of the timber resources and laws for the better administrations of state lands.

The members of the commissions signing the report have given most careful thought and devoted considerable time to the preparation of these suggestions submitted to you.

In appointing the members of the two commissions, the statement was made that there was no law authorizing the appointment or providing compensation for services, but that the Legislative Assembly would be asked to make an appropriation for expenses necessarily incurred. The members have declined to accept any allowance for expenses and desire to contribute their time and services to the state as a patriotic duty.

The valuable services rendered and the high sense of public duty shown are fully appreciated by me, and a resolution of thanks on the part of the Legislative Assembly would seem proper.

I realize the necessity for a speedy adoption of a broad and comprehensive policy for the conservation of our natural resources.

It is one of the important if not the most important questions of the age, the policies here suggested as to forests and lands are but a part of the general policy that should comprehend all resources.

Later, specific suggestions may be made for the conservation of other of our resources.

I commend the report herewith submitted to your most careful consideration, expressing the hope that your action may be favorable.

EDWIN L. NORRIS, Governor.

Report accompanying the communication from the Governor was referred to Committee on Public Lands.

On motion of Annin, Romney was excused.

The following notices of introduction of bills were given:

By McCone: A bill for an Act entitled, "An Act amending Section 5762 of the Revised Statutes of the State of Montana, relating to Chattel Mortgages."

By Haviland: A bill for an Act concerning convicts under sentence of death.

By Sykes: A bill for an Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Code covering regulations of the practice of medicine and examination of applicants.

Donlan moved, seconded by Sanders, that the Chairman of the Committees on Printing, Engrossing and Enrolling Biils, to not have to give titles of Bills when reported.

Motion adopted.

Moved by Long, seconded by Donlan, in order to secure uniformity that each committee revise all titles of bills amending sections of the codes to conform to provisions of House Bill No. 25, which provides that the section shall be referred to as Section — of the Revised Codes of 1907.

Motion adopted.

On motion of Donlan, seconded by McCarthy, the chairman of the Printing Committee was instructed and authorized to employ a man clerk for said committee.

On motion of Everett, seconded by Kessler, the Senate adjourned at 3:15 until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Sixteenth Day.

Senate Chamber, Helena, Montana, January 19, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, January 19, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bills numbered 10, 13, beg leave to report that the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

On motion of Sanders, seconded by McCone, report adopted.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 18, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have been introduced read first and second times and referred:

By Witmer, H. B. No. 81: A bill for an Act to amend Sections 2054 and 2055, of the Revised Codes of Montana of 1907, relating to the term of contracts, for the care, support and maintenance of the sick, poor and infirm of the County.

Referred to Judiciary Committee.

By Hutchinson, H. B. No. 82: A bill for an Act, "An Act to amend Sections 8871, 8872, 8873 and 8874, of the Revised Codes of Montana, 1907, relating to the destruction of noxious weeds, and fixing a penalty for the violation thereof."

Referred to Committee on Live Stock and Public Ranges.

By Pierson, H. B. No. 83: A bill for an Act entitled, "An Act to amend Sections 1889, 1890, and 1891 relating to the powers of the State Live Stock Sanitary Board, authorizing the slaughter of diseased animals or animals supposed to be diseased; and providing appraisal and com-

pensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851, and 1853, of the 1907 Revised Codes of Montana.

Referred to Committee on Sanitary Affairs.

By Gray, H. B. No. 84: A bill for an Act entitled, "An Act to amend Sections 1358 and 1359, Revised Statutes of Montana, of 1907, regarding road supervisors.

Referred to Committee on Highways.

By Gray, H. B. No. 85: A bill for an Act entitled, "An Act to amend Section 2082 of the Revised Statutes of Montana, of 1907," defining legal fences.

Referred to Judiciary Committee.

By Thompson, H. B. No. 86: A bill for an Act to provide for the establishment of grades for streets in unincorporated towns and to pay the expenses thereof.

Referred to Judiciary Committee.

By Kelsey, H. B. No. 87: A bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claim of a certain person."

Referred to Committee on Appropriations.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 18, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that notices of intention to introduce bills were to-day given as follows:

By Pierson: A bill for an Act entitled, "An Act to provide for the payment of the actual necessary expenses of Judges of the District Court when holding court in his district, in any county not the county of a residence of such judge.

By Pierson: A bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals in the Supreme Court of the State."

By Maxwell: A bill for an Act entitled, "An Act to provide for fire drills in the schools of the state."

By Smith: A bill for an Act to amend Section 4882, Revised Statutes of 1907, relating to compensation of Water Commissioners.

By Gray, by request: A bill for an Act entitled, "An Act to provide for the ownership and disposal of certain church properties."

By Gray, by request: A bill for an Act entitled, "An Act to amend Section 3812 of the Revised Statutes relating to the power of corporations to change corporate name."

By Burke: A bill for an Act to amend Section 2746 Revised Codes of Montana, 1907, relating to licenses.

By Burke: A bill for an Act, making it the duty of the Sheriff of each county to visit, in January and July of each year every place within his county required by law to have a liquor license, to ascertain if the license law is being violated; to inspect and enlist licenses, and report to Board of County Commissioners and to State Examiners.

By Kilgallon: A bill for an Act to appropriate Thirty-one Thousand Dollars for the payment of the deficiency claim of Mitchell and Mussig-

brod for the care of patients of the Insane Asylum for the two years expiring March 1, 1909.

By Kilgallon: A bill for an Act entitled, "An Act to prevent the assignment of wages earned or to be earned in the future, and to secure boarding house keepers, lodging house keepers and merchants for necessaries furnished."

By King: A bill for an Act entitled, "An Act to punish book-making and pool selling and making of bets and wagers by unlicensed persons, to provide for the issuance of the licenses for such businesses and provide for collection of fees for such licenses."

By Smith: A bill for an Act to amend Sections 8393, 8394, 8395 and 8396, of the Revised Statutes, 1907, relating to indecent exposures, exhibitions and pictures.

By King: A bill for an Act entitled, "An Act to amend Section 1134, of the Revised Codes of the State of Montana, and to provide for the care, and custody, and control of insane persons, and persons addicted to the use of opium, morphine, cocaine, or any other form of deleterious drugs."

By Crouch: A bill for an Act entitled, "An Act to empower cities to fix the rates of fare that may be charged by Street Car Companies."

By Bogart: A JOINT HOUSE MEMORIAL, declaring it to be the sense of the Eleventh Legislative Assembly of the State of Montana, that the State Board of Equilization shall fix the assessed valuation of the franchises, roadways, roadbeds, rails, and rolling stock of all railroads operated in more than one county of this state, at fifty per cent more than the assessed valuation fixed by said board of equalization, for the year 1908.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 18, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following concurrent Resolution No. 1, was introduced by the chairman on Federal Relations, Mr. Lowney, read first and second time and referred to Committee on Printing.

Memorial to Congress for constitutional amendment to prohibit polygamy and secure unform divorce laws.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following Bill was introduced, read first and second time and referred:

By McCone, Senate Bill No. 40: A bill for an Act entitled, "An Act amending Section 5762 of the Revised Codes of Montana, 1907, relating to Chattle Mortgages."

Referred to Committee on Judiciary.

The following notice of introduction of bill was given:

By Albright: A bill for an Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed.

On motion of Donlan, seconded by Tooley, the Senate resolved itself

into a Committee of the Whole to consider bills on General File; with McCarthy in the chair:

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 19, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend as follows: that,

S. B. No. 11, be amended so that the title shall read as follows: A bill for an Act entitled, "An Act to amend Section 4216 of the Revised Codes of 1907, so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide its shares of stock into classes of different par values, and to legalize the stock of co-operative associations heretofore issued in classes of different par values.

Also, to amend Section 1, by striking out in line 1, the words, "the State of Montana" and inserting in lieu thereof the figures "1907", also

Amend Section 1, by striking out in line 3, the figures "$10.00", and the figures $5,000.00, and inserting in lieu thereof the words "Ten Dollars" and the words "Five Thousand Dollars", and that the bill as amended do pass, also,

S. B. No. 12, that it do pass, also,

S. B. No. 14, by unanimouse consent be laid over, also,

S. B. No. 15, do pass, also,

S. B. No. 17, by unanimous consent be laid over, also,

S. B. No. 19, do pass, also,

S. B. No. 20, do pass, also,

S. B. No. 21, on substitute motion be made a special order for Thursday at 3:30 P. M., also,

S. B. No. 28, the title be amended by striking out in line 2 the word "and" inserting in lieu thereof the word "or", so that the amended title shall read as follows: "An Act relative to commission merchants or persons selling agricultural or horticultural products or farm produce on commission." also, that the bill be amended in Section 1 by striking out in line 2, the word, "and" and inserting in lieu thereof the word "or", also to amend Section 2, so as to read as follows: "Section 2. When any commission merchant or person receiving any property as mentioned in Section 1, of this Act, shall sell the same or twenty-five per centum thereof, such commission merchant or person shall immediately render a true statement to the consignor, showing what portion of such consigment has been sold, to whom sold, and the price received therefor," and that the bill as amended do pass, also,

S. B. No. 8, be re-referred to the Judiciary Committee for amendment.

McCARTHY, Chairman.

On motion of Truscott, seconded by Donlan, report of the Committee of the Whole was adopted, and

S. B. No. 11, referred to Committee on Engrossed Bills.

S. B. No. 12, referred to Committee on Engrossed Bills.

S. B. No. 14, remains on General File.

S. B. No. 15, referred to Committee on Engrossed Bills.

S. B. No. 17, remains on General File.

S. B. No. 19, referred to Committee on Engrossed Bills.

S. B. No. 20, referred to Committee on Engrossed Bills.

S. B. No. 21, made Special Order for Thursday, 3:30 P. M.

S. B. No. 28, referred to Committee on Engrossed Bills.

S. B. No. 8, re-referred to Committee on Judiciary.

On motion of Sanders, seconded by Selway, the appointment of John Riskim, as clerk to the Printing Committee, was confirmed.

On motion of Donlan, seconded by Meyer, Senate adjourned at 12 o'clock noon, until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Seventeenth Day.

Helena, Montana, January 20, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing committees reported as follows:

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your committee on Printing to whom was referred Senate Bill numbered 22, beg leave to report the same has been correctly printed.

SANDERS, Chairman.

Report adopted and Bills referred to General File.

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your committee on Public Buildings, to whom was referred Senate Bill numbered 30, introduced by Donlan, a bill for an Act entitled, "An Act to provide for the issue and sale by the State Board of Examiners, of Bonds for the purpose of erecting wings to the State Capitol Building and to provide for the erection of said wings under the authority and direction of the State Board of Examiners," Report having had the same under consideration, recommend that same do pass.

Respectfully,

METCALF, Chairman.

On motion of Metcalf, seconded by Sanders, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 32, entitled, a bill for an Act, entitled, "An Act to detach Teton County from the Eleventh Judicial District, and attach it to the Eighth Judicial District, and to provide for an additional Judge for the Eighth Judicial District, so that there will hereafter be two Judges in the said Eighth Judicial District, one of whom shall keep his chambers at Chouteau, Teton County," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Cowgill, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your Committee on Railroads and Transportation to whom was referred Senate Bill numbered 27, introduced by Sanders, a bill for an Act entitled, "An Act requiring any person, railway or corporation or company operating a line of railway in the State of Montana to equip its locomotive engines with electric head lights of not less than fifteen hundred candle power, without the aid of a reflector, or other head lights of not less than fifteen hundred candle power, without the aid of a reflector and providing a penalty for the violation thereof," report recommending, that the bill be amended by striking out the words "six months" in line two of Section 1, of the original bill and inserting instead the words one year, and that as so amended we recommend that the bill do pass.

Respectfully,

EVERETT, Chairman.

On motion of Sanders, seconded by Edwards, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your Committee on Railroads and Transportation to whom was referred Senate Bill numbered Three, introduced by Meyer, a bill for an Act entitled, "An Act to prohibit public officers from asking, accepting, or using a free pass, frank or privilege, withheld from any other person for the travelling accomodation of any person or property or the transmission of any message or communication, and providing a penalty for the violation thereof," Report back recommending that the same be indefinitely postponed.

Respectfully,

EVERETT, Chairman.

Moved by Sanders, seconded by Fairbanks, that the report be adopted.

Substitute motion by Meyer, seconded by Donlan, that the bill be ordered printed and placed on General File.

On roll call demanded by Meyer, substitute motion lost, by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Haviland, Kessler, Long, Meyer, Romney.—12.

Noes: Albright, Edwards, Fairbanks, Metcalf, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—15.

Absent and not voting: Daly, Muffley.—2.

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bills numbered 11, 12, 15, 19, 20, and 28, beg leave to report as follows: That same are correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by Edwards, report adopted, and bills referred to calendar for third Reading.

The following communication was received from His Excellency, the Governor:

Executive Office, Helena, Montana, January 20, 1909.

To the President of the Senate,

Senate Chamber,

Helena, Montana:

Section 10 of Article VII of the Constitution, provides that the Governor shall present to the Legislative Assembly estimates of the amount of money required to be raised by taxation for all purposes of the state. In accordance with that provision, and for your information, I herewith submit estimate of the amount of money available, and the sums necessary to defray the expenses of the state government for the next two years. The elective state officers have estimated the expenses of their respective offices.

The total revenue exceeds the total expenses in the sum of twenty-five thousand, six hundred and nineteen dollars and twenty cents.

When my message to the Joint Assembly was prepared, only general estimates had been made and the details now submitted strongly emphasize the necessity then pointed out for the most careful consideration of appropriations. In making estimates of the revenue available I have used as a basis for taxation purposes an assessed valuation of two hundred and ninety million dollars for 1909, and three hundred and ten million dollars for 1910. Any increase in the assessed valuation would ordinarily make a corresponding increase in the revenues. A material increase this year would, however, make the assessed valuation exceed three hundred million dollars and would result in a decrease of revenue to the amount of at least two hundred and fifty thousand dollars. This would be caused by the decrease in the tax rate from two and one half mills to one and one half mills. This contingency is possible and you should have it in mind in making appropriations.

I have included in my calculations the income from the land grants of the educational institutions for the next two years. These funds have not heretofore been available. I have taken it for granted that a law will be enacted providing for the use of these general funds for the maintenance of the respective institutions thereby releiving the General Fund

of burdens to that extent.

The total sum paid out by the state cannot exceed the income. I trust that you will carefully guard appropriations and not permit them to be in excess of the income.

I respectfully recommend that no special appropriations other than deficiency claims be made, by you until the general appropriation bills have been passed. By so doing, you will be able in advance to know just how much money, if any, is available for special appropriations.

You will doubtless have for consideration, many bills calling for expenditures other than herein estimated. In my judgment such expenditures must be limited to the sum of twenty-five thousand six hundred and nineteen dollars and twenty cents.

EDWIN L. NORRIS, Governor.

Communication placed on file and statement referred to Committee on Finance and Claims.

Following communications from the House were received and read:

House of Representatives, Helena, Montana, January 20, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill No. 25, introduced by Frank, "An Act entitled, an Act to approve, legalize and adopt, the division and arrangement of the Revised Codes of Montana, 1907; was this day read a third time and pasesd, title agreed to, and is herewith transmitted.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 20, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices were to-day given:

By Kilgallon chairman of Appropriation Committee: A bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public Fees erroneously collected."

By Kilgallon, chairman of Appropriation Committee: A bill for an Act entitled, " An Act appropriating money for the payment of deficiency claims account requisitions."

By Kilgallon chairman of Appropriation Committee: A bill for an Act entitled, "An Act authorizing the payment of certain Bounty Claims and appropriating money from the Bounty Fund for the payment thereof."

By Kilgallon chairman of Appropriation Committee: A bill for an Act entitled, "An Act appropriating the sum of $2,500.00 to aid in the establishing, maintaining and stocking of a Bison Range, for the State of Montana."

By Clayberg: A bill for an Act entitled, "An Act to amend Section 3850 of the Revised Codes of Montana, relating to Annual reports and statements of corporations."

By Gray: A bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section 9, Article 12, of the Constitution of the State of Montana, relating to revenue and taxation."

By Gray: A bill for an Act entitled, "An Act regarding mile posts on public highways."

By Gray: A bill for an Act entitled, "An Act to regulate the travel of traction engines on public highways."

By Cluston: A bill for an Act providing for the management, control and sale of State Lands."

By Giovanetti: A bill for an Act entitled, "An Act appropriating money for the purchase and equipment of a dormitory boarding place and gymnasium to be the property of the Montana State School of Mines at Butte, Montana."

By Butzerin: A bill for an Act providing for the appointment of a commission making an appropriation, and providing for the exhibition of the arts, industries, manufactures and products of the soil, ranges, mines and forests of the State of Montana at the Alaska-Yukon-Pacific Exposition, to be held in Seattle, Washington, in the year 1909.

By Pomeroy: A bill for an Act entitled, "An Act prohibiting persons from representing themselves as members of any profession for which a license or certificate to practice the same is required under the laws of this state."

By Smith: A bill for an Act entitled, "An Act to amend Sections 1484 and 1488 of the Revised Statutes, of 1907, of the State of Montana, relating to the appointment and duty of Boards of Health."

By Cummings of Chouteau: A bill for an Act to amend Sections 220, 221 and 222, and repeal Section 224, of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of members, officers, and employees of the Legislative Assembly."

By MacGinniss: A bill for an Act entitled, "An Act to regulate the practice of a profession of public accounting."

By Berkin: A bill for an Act entitled, "An Act authorizing persons who are the owners, lessees, or who otherwise control the land surrounding any lake or pond in the State of Montana, and who have established Fish Hatcheries on the shores of such lake or pond to catch fish therein, and sell or offer for sale the same, and to be allowed to ship the same out of the state."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 20, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have been introduced read first and second times and referred:

By Burke, H. B. No. 88: A bill for an Act, making it the duty of the Sheriff of each county, to visit in January and July of each year every place within his county required by law to have a liquor license to ascertain if the license law is being violated; to inspect and list licenses and report to the board of County Commissioners, and to State Examiner."

Referred to Judiciary Committee.

By Kilgallon, H. B. No. 89: A bill for an Act entitled, 'An Act to

prevent the assignment of wages earned or to be earned in the future, and to secure boarding house keepers, lodging house keepers and merchants for necessaries furnished.

Referred to Judiciary Committee.

By Kilgallon, H. B. No. 90: A bill for an Act to appropriate $31,000.00 for the payment of deficiency claim of Mitchell and Mussigbrod, for the care of patients of the insane asylum for the two years expiring March 1, 1909."

Referred to Committee on Appropriations.

By Pierson, H. B. No. 91: A bill for an Act to provide for the payment of actual necessary expenses of the Judges of the District Court when holding court in his district in any county not the county of residence of such judge.

Referred to Judiciary Committee.

By Gray, H. B. No. 92: A bill for an Act entitled, "An Act to provide for state inspection and for the inspection of scales used in the weighing thereof, creating the office of grain inspector."

Referred to Agricultural Committee.

By Gray, by request, H. B. No. 93: A bill for an Act entitled, "An Act to amend Section 3812 of the Rvised Codes of Montana, relating to the power of corporations to change the corporate name."

Referred to Committee on Corporations other than Municipal.

By Pierson, H. B. No. 94: A bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the state."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 95: A bill for an Act entitled, "An Act to amend Section 6656 of the Revised Codes of Montana, providing when attachments may issue."

Referred to Judiciary Committee.

By Byrnes, H. B. No. 96: An Act to establish a Legislative Reference Bureau in connnection with the Historical and Miscellaneous Department of the State Library, and provide for the maintenance thereof.

Referred to Committee on Libraries.

By Maxwell, H. B. No. 97: A bil for an Act to provide for fire drills in the schools of the state.

Referred to Committe on Education.

By Smith, H. B. No. 98: A bill for an Act entitled, "An Act to amend Sections 8393, 8394, 8395, and 8396 of the Revised Statutes of the State of Montana, 1907, relating to indecent exposures, exhibitions and pictures, authorizing the seizing of such articles and their destruction."

Referred to Committee on Education.

By Smith, H. B. No. 99: A bill for an Act entitled, "An Act to amend Section 8336, of the Revised Statutes of the State of Montana, 1907, relating to the definition of the crime of Rape."

Referred to Judiciary Committee.

By Safley, H. B. No. 100: A bill for an Act relating to the qualification of teachers and registration of certificates and to amend Section 901 Revised Codes of Montana, of 1907, relating to certificates of qualifi-

cations of teachers and to amend Section 908 of the Revised Codes of Montana, of 1907, relating to qualification of teachers.

Referred to Comimttee on Education.

By Crouch, by request, H. B. No. 101: A bill for an Act entitled, "An Act to empower cities and municipal corporations, to regulate the rates of the fare that may be charged by street car companies, hack companies, cab companies, and individuals engaged in the transportation of passengers, and empowering such cities and municipal corporations to fix the schedule of services, and character of cars required upon street car lines.

Referred to Committee on Affairs of Cities.

By King, H. B. No. 102: A bill for an Act entitled, "An Act to punish book making and pool selling, and making of bets and wagers by unlicensed persons, to provide for the issuance of licenses or such businesses and to provide for collection of fees for such licenses."

Referred to Committee on Affairs of Cities.

By King, H. B. No. 103: A bill for an Act entitled, "An Act to amend Section 1134 of the Revised Codes of Montana, and to provide for the care, custody, and control of insane persons and persons addicted to the use of deleterious drugs."

Referred to Committee on State Institutions.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read first and second times and referred:

By Frank, H. B. No. 25: A bill for an Act entitled, "An Act to approve, legalize and adopt the division and arrangement of the Revised Codes of Montana, of 1907."

Referred to Committee on Judiciary.

By Sykes, Senate Bill No. 41: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana, being a portion to the Political Code covering regulations of the practice of medicine, and examination of applicants.

Referred to Committee on Counties, Towns and Municipal Corporations.

By McCarthy, Senate Bill No. 42: A bill for an Act entitled, "An Act to amend Section 1306, also to repeal Section 1307 of the Revised Codes of Montana, of 1907, concerning Farmer's Institutes.

Referred to Committee on Agriculture and Manufactures.

By Albright, Senate Bill No. 43: A bill for an Act entitled, "An Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed.

Referred to Committee on Judiciary.

By Everett, Senate Bill No. 44: A bill for an Act entitled, "An Act to prevent the issuance of a pass or other free transportation by any Common Carrier, within the State of Montana, except to certain persons, and to prevent the acceptance of such free transportation."

Referred to Committee on Railroads and Transportations.

The following notices of introduction of bills were given:

By Meyer: A bill for an Act entitled, "An Act to provide for a Board of Examiners, for applicants for certain positions in and around coal mines, prescribing their duties, and terms of office and providing for the salaries of such boards."

By Meyer: A bill for an Act entitled, "An Act to create a board of Examiners for examining applicants for the position of coal mine inspector of the State of Montana, and prescribing the qualifications of applicants, and prescribing their rights and duties, and fixing the compensation of such board of examiners, and the manner of appointing said coal mine inspector for the State of Montana."

By Tooley: A bill for an Act entitled, "An Act prohibiting rebating and discrimination by life insurance companies and providing penalty therefor, and prohibiting the issuance of special or advisory board contracts, and prohibiting certain other practices, and providing penalties therefor, and repealing Section 4141, 4142, and 4143, of the Revised Codes of the State of Montana, of 1907.

By Tooley: A bill for an Act entitled, "An Act to amend Section 4062 Revised Codes of the State of Montana, 1907, relating to the manner in which insurance companies, associations or partnerships may transact business in the State of Montana."

A communication from the Librarians Office, requesting the Senators to sit for a groupe picture for the Historical Library, was received, read and placed on file.

On motion of Donlan, seconded by Everett, Senate resolved itself into Committee of the Whole to consider bills on General File.

Rae in the chair:

Committee arose.

Senate resumed.

President in the chair.

Chairman of the Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 20, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of bills, instruct me to report and recommend that:

S. B. No. 14, do pass.

S. B. No. 10, be amended, by striking out in Section 2, line 24, all the words after the word "shall" and all of line 25, and inserting in lieu thereof the words "one half of the reward so offered", and as amended it do pass.

S. B. No. 13, be amended in Section 1, by inserting after the word "State" in line 20 the words "Surety Company Bond", and as amended it do pass.

S. B. No. 17, be amended by striking out the period where the same appears in line 27 of the printed bill, at the end of Section 1, thereof, and by inserting a comma, in lieu thereof, and adding to said Section the following: "unless the party filing the disqualifying affidavit consents in writing, which consent may be made a part of the affidavit, to the calling in of a judge of another district, and, provided, that when a case is transferred, or a judge is called in, all parties to said action

or proceeding, or their attorneys, who have appeared in said action or proceeding shall be notified of the order transferring the case or calling in such other judge, and such action, motion or proceeding shall not be set for hearing or trial for at least five days after such notice; also amending Section 6315 by adding Sub-division 5, which is to read as follows:

"5". Where the presiding judge is related to counsel for either party, by consanguinity, or affinity within the third degree, computed according to the rules of law, either party to the action, motion, or proceeding, personally or by attorney or agent, shall have the right to disqualify such presiding judge upon filing written objections showing such fact of relationship; provided that the right to disqualify for such cause mentioned in this Sub-division must be made by the opposing counsel at the time of appearance or at the time of setting of said cause for trial, unless such reason for disqualification shall arise, without the act of the party, for the first time after the setting of the said cause for trial," and as amended the bill do pass.

S. B. No. 22, be re-referred to Committee on Libraries.

Respectfully,

RAE, Chairman.

On motion of Rae, seconded by McCarthy, report adopted, and Senate Bills numbered 14, 10, 13, and 17, referred to Committee on Engrossed Bills.

On motion bills on third reading were read by title only, considered read at length. Adopted unanimously.

Senate Bill No. 11, read a third time and passed by the following vote:

Ayes, Annin, Cardwell, Cockrell, Conrow, Cowgill, Everett, Fairbanks, Haviland, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: Donlan, Edwards, Meyer.—3.

Absent and not voting: Albright, Daly, Kessler.—3.

Title agreed to.

On motion of Edwards, seconded by Fairbanks, Senate adjourned at 4:30 P. M. until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Eighteenth Day.

Helena, Montana, January 21, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, January 21, 1909.

Mr. President:

Your Committee on Public Morals to whom was referred Senate Bill, numbered 34, relating to marriages between white persons and negroes, white persons and Chinese and Japanese, and making such marriages void, beg leave to report that your committee has had the same under consideration and recommend that said bill do pass.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 26, an Act entitled, "An Act to amend Section 876, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another" recommend that same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 6 and 25, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report accepted and bills referred to General File.

The following communications from the House were received and read:

Mr. President:

I am directed by the House to inform your Honorable Body, that notices to introduce bills were to-day given as follows:

By Crouch, chairman of Livestock and Public Ranges Committee: A bill for an Act entitled, "An Act making appropriations for the protection of the live stock industry in the State of Montana, and to defray the expenses incurred therefor, for the fiscal year, ending November 30, 1909, and November 30, 1910."

By Roy: A bill for an Act to amend Section 882, of the Revised Codes of Montana, of 1907, relating to the letting of contracts by school trustees.

By Burke: A bill for an Act to provide an independent water supply for the State Capitol Building and Grounds.

By Kelsey: A bill for an Act to amend Section 1815, of the Revised Codes of Montana, of 1907, relating to the record of horses and other live stock sold at public markets.

Bq Byrnes: A bill for an Act entitled, "An Act to provide for the

payment of all liens and claims against the grand stand of the Montana State Fair.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that following bills were to-day introduced, read first and second times and referred:

By Committee on Appropriations, H. B. No. 104: A bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public fees erroneously collected."

Referred to Committee on Appropriations.

By Kilgallon, H. B. No. 105: A bill for an Act entitled, "An Act appropriating the sum of twenty-five hundred dollars to aid in the maintaining and establishing of a bison range, within the limits of the State of Montana."

By Committee on Appropriations, H. B. No. 106: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B. No. 107: A bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

Referred to Committee on Appropriations.

By Berkin, by request, H. B. No. 108: An Act entitled, "An Act authorizing persons who are the owners, lessees, or whom otherwise control the land surrounding any lake or pond in the State of Montana, and who have established fish hatcheries on the shores of such lake or pond, to catch fish therein, and sell or offer for sale the same, and to ship the same out of the state."

Referred to Committee on Fish and Game.

By Giovanetti, H. B. No. 109: An Act entitled, "An Act appropriating money for the purpose and equipment of a dormatory, boarding place, and gymansium to be the property of the Montana School of Mines at Butte, Montana,"

Referred to Committee on Appropriations.

By Burke, H. B. No. 110: A bill for an Act to amend Section 2746, Revised Codes of Montana, 1907, relating to licenses.

Referred to Judiciary Committee.

By Pomeroy, H. B. No. 111: A bill for an Act prohibiting persons from representing themselves as members of any profession for which a license or certificate to practice the same is required by the laws of this state.

Referred to Judiciary Committee.

By Butzerin, H. B. No. 112: A bill for an Act providing for the appointment of a commission making an appropriation and providing for the exhibition of the arts, industries, manufactures and products of the

soil, ranges, mines and forests of the State of Montana at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in the year 1909.

Referred to Committee on Appropriations.

By Cummings of Chouteau, H. B. No. 113: A bill for an Act to amend Sections 220, 221, and 222 and repeal Section 224 of Chapter 2, of Article 5, of the Political Code of the State of Montana, relating to the compensation of members, officers and employees of the Legislative Assembly."

Referred to Judiciary Committee.

By Gray, by request, H. B. No. 114: A bill for an Act entitled, "An Act relating to the ownership and disposal of the property of Baptist Churches and societies, which have become extinct, or for any reason have ceased to maintain religious worship or services continuously for a period of two years."

Referred to Judiciary Committee.

By MacGinniss, H. B. No. 115: A bill for an Act entitled, "An Act to regulate the practice of the profession of public accounting."

Referred to Judiciary Committee.

By Smith, H. B. No. 116: A bill for an Act entitled, "An Act to amend Section 4882, Revised Statutes, 1907, relating to the compensation of Water Commissioner."

Referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced read first and second times and referred:

By Haviland, Senate Bill No. 45: A bill for an Act concerning convicts under sentence of death, and to repeal Sections 9383, 9384, 9385, 9386, 9387, 9388, 9391, 9393, and 9394, of the Revised Codes of Montana, 1907."

Referred to Judiciary Committee.

By Tooley, Senate Bill No. 46: A bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana, 1907, relating to the manner in which insurance companies, associations or partnerships may transact business in the State of Montana.

Referred to Committee on Insurance.

By Tooley, Senate Bill No. 47: A bill for an Act entitled, "An Act prohibiting rebateing and discrimination by life insurance companies and providing penalties therefor, and prohibiting the issuance of a special or advisory board contracts and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142, and 4143, of the Revised Codes of Montana, 1907.

Referred to Committee on Insurance.

The following notices of the introduction of bills were this day given:

By Rae: A bill relating to the qualification of directors of corporations.

By Meyer: A bill for an Act enttled, "An Act to amend Sections 1680 and 1682, of the Revised Codes of Montana, 1907, relating to the powers and duties of the State Coal Mine Inspector.

By Annin: A bill for an Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, property, and debts, between old and new school districts."

By Edwards: A bill for an Act to prohibit the running or conducting of dances in public dance halls, or other public place of amusement, on Sunday, and to provide penalties for a violation thereof.

By Rae: A bill relating to the duties of the State Engineer.

By Donlan: A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds and to fix the limit of time in which actions to set aside or annul tax deeds may be brought.

On motion of Meyer, seconded by Donlan, Senate Bill numbered 11, is recalled from the House for further consideration by the Senate.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 19, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill numbered thirty one, beg leave to report as follows:

That it has had under consideration Senate Bill No. 31, introduced by McCone, entitled, "An Act relating to Banks and Banking, to provide for the conservation from the State Bank to a National Bank and surrender of its charter of the State Bank and conversion of its property, providing for an increase or decrease in the capital stock of such bank; providing for a conversion from a National Bank to a State Bank", and after such consideration it recommends that said Senate Bill No. 31, do pass.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, Janury 21, 1909.

Mr. President:

Your Committee on Corporations other than Municipal to whom was referred Senate Bill numbered 36, beg leave to report as follows:

That it has had under consideration said Senate Bill No. 36, and recommend that the title of the bill be amended by striking out the word "domestic". That Section 1 of said bill be amended by striking out the third and fourth lines of said section, reading, Section 3850. Every Domestic Corporation except Banks, Trust Companies and Building and Loan Associations, having a capital stock," and substituting therefor the following: Section 3850. Every Corporation, having a capital stock, except banks, trust companies and building and loan associations. That Section 3850 be further amended by striking out the second "or" and comma preceeding said or in the fourth line from the last on first page of said bill, and that as so amended the bill do pass.

On motion of Meyer, seconded by Donlan, report adopted and bill referred to Printing Committee.

On motion of Donlan, seconded by McDonnell, the Senate resolved itself into committee of the Whole with,

Rae in the chair.

Committee arose.

Senate resumed with.

President in the chair.

Rae, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 6, do pass.

Respectfully,

RAE, Chairman.

On motion of Donlan, seconded by Fairbanks, report of Committee of the Whole rejected, and Senate Bill No. 6, remains on General File, and Senate Bill No. 25 re-referred to Committee on Railroads and Transportation.

Third reading of bills.

On motion of Donlan, seconded by McCone, by unanimous consent rules were suspended and bills considered read at length, read by title only.

S. B. No. 12, passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Daly, McCarthy.—2.

Title agreed to.

S. B. No. 12, reads as follows:

S. B. No. 12, introduced by McCone, a bill for an Act entitled, "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section 9, of Article XII, of the Constitution of the State of Montana, relating to revenue and taxation."

Be it inacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 9, of Article XII, of the Constitution of the State of Montana, be amended, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the next general election.

Section 2. That Section 9, of Article XII, of the Constitution of the State of Montana, be and the same is hereby amended, to read as follows:

"Section 9. The rate of taxation on real and personal property for state purposes except as hereinafter provided, shall never exceed three mills on each dollar of valuation; and whenever the taxable property of the state shall amount to Three Hundred Million Dollars ($300,000,000.00), the rate shall not exceed two and one-half mills (2½), on each dollar of valuation, and whenever the taxable property of the state shall amount to Six Hundred Million Dollars ($600,000,000.00), the rate shall never exceed two (2), mills on each dollar of valuation, unless the

proposition to increase such rate specifying the rate proposed and the time during which the rate shall be levied, shall have been submitted to the people at the general election, and shall have received a majority of all votes cast for and against it at such election; Provided, that in addition to the levy for state purposes above provided for, a special levy in addition may be made on live stock for the purpose of paying bounties on wild animals and for stock inspection, protection, and indemnity, purposes, as may be prescribed by law, and such special levy shall be made and levied annually in amount not exceeding four mills on the dollar, by the State Board of Equalization, as may be provided by law.

Section 3. Separate official ballots shall be used at the general election to be held in November, 1910, which shall have printed thereon the words,

"For the amendment to the Constitution, relating to Revenue and Taxation."

And the words,

"Against the amendment to the Constitution relating to Revenue and Taxation."

Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in full force from and after its passage and approval.

S. B. No. 15, passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes. None.

Absent and not voting: Daly, Donlan, McCarthy.—3.

Title agreed to.

S. B. No. 19, passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Donlan, Conrow, Cowgill, Edwards, Haviland, Kessler, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes. None.

Absent and not voting: Daly, Everett, Fairbanks, Long, McCarthy. —5.

Title agreed to.

S. B. No. 20, passed by the following vote.

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes. None.

Absent and not voting: Daly, Fairbanks, McCarthy.—3.

Title agreed to.

S. B. No. 28, passed by the following vote.

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer,

Muffley, McCarthy, McDonnell, McCone, Rae, Romney, Sanders, Selwey, Sykes, Tooley, Truscott.—26.

Noes. None.

Absent and not voting: Daly.—1.

Title agreed to.

The following communication was received from the house and read.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

Pursuant to request of the Senate, I am directed by the House to return herewith Senate Bill numbered 11.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Duly moved and seconded, that the vote on Senate Bill No. 11, be reconsidered and referred to General File, and made a special order of business this P. M. immediately following Senate Bill No. 21.

On motion of Donlan, seconded by Albright Senate recessed until 2 o'clock P. M.

2 o'clock P. M.

Senate resumed.

President in the chair.

Roll called. Quorum present.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bills numbered 10, 14, 13, and 17, beg leave to report as follows: that same are correctly engrossed and are returned herewith to the Senate.

Respectfully,

Kessler, Chairman.

Report adopted and Bills referred to calendar for third reading.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Stock Growing and Grazing to whom was referred Senate Bill numbered 39 introduced by Cockrell, entitled, a bill for an Act entitled, "An Act to provide for the appointment of a State Board of Veterinary Medical Examiners, describing their duties and powers, and regulating the practice of veterinary medicine within the State of Montana," report that having had the same under consideration recommend that it be indefinitely postponed.

Respectfully,

SELWAY, Chairman.

On motion of McCone, seconded by Selway, report adopted, and bill indefinitely postponed.

Third reading of Senate Bills.

S. B. No. 10, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Metcalf, Meyer, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley, Truscott.—19.

Noes: Long, McCarthy, Sanders.—3.

Absent and not voting: Albright, Daly, Fairbanks, Kessler, Muffley.—5.

Title agreed to.

Senate Bill No. 14, passed by the following vote.

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley, Truscott, Sanders.—21.

Noes: Meyer.—1.

Absent and not voting: Cockrell, Daly, Fairbanks, Muffley, Kessler.—5.

Title agreed to.

S. B. No. 17, read third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Donlan, Edwards, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott, Tooley.—21.

Noes: None.

Absent and not voting: Cockrell, Daly, Everett, Fairbanks, Kessler, Muffley.—6.

Title agreed to.

On motion of Donlan, the Senate resolved itself into Committee of the Whole, for the consideration of Bills on General File.

By nuanimous consent, with,

Rae in the chair.

Committee arose.

Senate resumed.

President in the chair.

Rae, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills beg leave to report and recommend that:

Senate Bill No. 11, be amended so that the title will read as follows:

A bill for an Act entitled, "An Act to amend Sections 4216 and 4218 of the Revised Codes of 1907, so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide its shares of stock in classes of different par values; to legalize the stock of co-operative associations heretofore issued in classes of different par values, and to regulate the exemption of such shares of stock from attachments or sale under execution, and by adding a section thereto to be known as Section 2;

Section 2. That Section 4218 of the Revised Codes of 1907, be and the same is hereby amended so as to read as follows:

Section 4218. The share, not exceeding the par value of five hundred dollars, of each member shall be exempt from seizure on attachment, or sale under execution, and upon his death shall be sold by the association, and the proceeds, after deducting all liabilities to the association, shall be delivered to his heirs.

That the bill be further amended by striking out in line 15, Section

2, the figure 2, and inserting in lieu thereof the figure "3", that Section 3 be amended by striking out in line 16 the figure "3" and inserting in lieu thereof the figure "4", and that the bill as amended do pass.

S. B. No. 21, do pass.

Respectfully,

RAE, Chairman.

On motion of Rae, seconded by Sanders, report adopted and Senate Bills numbered 11 and 21 referred to Engrossing Committee.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred Senate Bill numbered 2, a bill for an Act entitled, "An Act to provide for the deposit and disbursement of money received from the investment of the permanent funds of the State Educational Institutions, and from leasing of lands granted by the Federal Government to such institutions, to be known and designated, as the Interest and Income Funds of each of such institutions, reducing the appropriation made from the General Fund; and providing for the reports by said educational institutions of all moneys received from appropriations made to them under the laws of the United States, having had the same under consideration beg leave to report as follows: That the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Albright, seconded by Edwards, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 40, a bill for an Act entitled, "An Act amending Sections 5762, of the Revised Codes of Montana, 1907, relating to chattel mortgages, having had the same under consideration beg leave to report as follows:

Respectfully report the bill back, recommending it be indefinitely postponed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Cockrell, report adopted and bill No. 40 indefinitely postponed.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Comimttee on Judiciary, to whom was referred Senate Bill No. 43, entitled, "A bill for an Act authorizing the State Auditor to issue duplicate warrants where the original warrant has been lost or destroyed; having had the same under consideration, beg leave to report as follows: respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Donlan, report adopted and

bill referred to Printing Comimttee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 24, being a bill for an Act entitled, "An Act to increase the duties of the Commisisoner of the Bureau of Agriculture, Labor and Industry; provide for the collection, and compilation of statistics for the use of said bureau, by Counties and by Chambers of Commerce, Commercial Bodies, Farmer's Institutes, Co-operative Societies of Farmers, State Federative Trades Unions, and other Industrial Associations, of promotive character; to provide for the publication and publicity of such certificates; to provide for appropriations by Counties and by the State, to meet the expenses incurred in the furtherance of such purposes; and to provide for the appointment and salary of an assistant clerk for said bureau.

Having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill be amended by striking out Section 9, in its entirety, and the numbering of Section ten "9", Section eleven "10", and Section twelve "11", and as thus amended, that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Romney, report was adopted and bill referred to Printing Committee.

The following House Bills, were read a first and second times and referred:

By Duncan, H. B. No. 28: A bill for an Act entitled, "An Act making an appropriation of money for the State Orphans' Home, at Twin Bridges, Montana, for the maintenance thereof, for the months of January and February, 1909.

Referred to Committee on Finance and Claims.

By Gray, H. B. No. 3: A bill for an Act entitled, "An Act to amend Section 611, of the Revised Codes relating to the use of voting machines in Counties and Cities."

Referred to Committee on Election and Privileges.

On motion of Donlan, seconded by Everett, Senate adjourned at 3:50 until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Nineteenth Day.

Helena, Montana, January 22, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Insurance to whom was referred Senate Bill numbered 46, a bill for an Act entitled, "An Act to amend Section 4062, Revised Codes of the State of Montana, of 1907, relating to the manner in which insurance companies, associations or partnerships may transact business in the State of Montana."

Having had the same under consideration beg leave to report as follows, that the bill do pass.

Respectfully,

ANNIN, Chairman.

On motion of Tooley, seconded by Annin, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

Your Committee on Insurance to whom was referred Senate Bill numbered 47, a bill for an Act entitled, "An Act prohibiting rebating and discrimination of life insurance companies, and providing penalties therefor, and prohibiting the issuance of special or advisory board contracts, and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142 and 4143 of the Revised Codes of the State of Montana, 1907," having had the same under consideration, beg leave to report as follows: That the bill do pass.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 21, 1909.

Mr. President:

We, your Committee on Agriculture and Manufacturers having had under consideration Senate Bill numbered 42, "An Act to amend Section 1306, also to repeal Section 1307, of the Revised Codes of Montana, 1907, concerning Farmers' Institutes," respectfully report and recommend that the bill do pass.

Respectfully,

McDONNELL, Chairman.

On motion of McDonnell, seconded by Meyer, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 22, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bill numbered 11, beg leave to report as follows: that same is correctly engrossed.

Respectfully,

Kessler, Chairman.

On motion of Kessler, seconded by ————, report adopted and bill referred to calendar for third reading.

Senate Chamber, Helena, Montana, January 22, 1909.

Mr. President:

Your Committee on Public Morals, to whom was referred Senate Bill numbered 4, a bill relating to horse racing within the state beg leave to report that they have had same under consideration and recommend that further consideration of the bill be indefinitely postponed.

Respectfully,

MUFFLEY, Chairman.

On motion of Annin, seconded by Muffley, report adopted and bill indefinitely postponed.

The following Communications from the House were received and read.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that notices to introduce bills were to-day given as follows:

By Kilgallon, chairman, Committee on Appropriations: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims account State Fair."

By Mitchell: A bill prohibiting the sale of cigaretts or cigarette papers in the State of Montana.

By Werner: A bill for an Act, "An Act to provide for the protection and safety of persons in and about the construction of buildings, bridges, viaducts, and other structures, and to provide for the inspection thereof."

By Werner: A bill for an Act relating to the industry of quartz mining, amending certain laws relating thereto, by providing for the appointment and election of the Quartz Mining Inspector, and a Deputy Quartz Mining Inspector, and other provisions relating to quartz mining.

By Groff: A bill entitled, "An Act appropriating money for the construction of a farm house and the purchase of implements and trees for the Horticultural sub-experiments stationed in Ravalli County."

By Thompson: A bill for an Act entitled, "An Act to amend Section 8475, Revised Statutes of Montana, relating to trespassing stock.

By Gray, by request: A bill for an Act entitled, "An Act to amend Section 2887, Revised Statutes, relating to the publication of proceedings of meetings of County Commissioners."

By Gray, by request: A bill for an Act entitled, "An Act to provide for the examination and registration of trained nurses."

By Allen: A bill for an Act to amend Section 8582, and 8585, of the Revised Codes of Montana, of 1907, relating to the carrying of concealed weapons in cities and towns, in places of public resort.

By McCoy: A bill for an Act entitled, "An Act to regulate the Itinerant Vending of medicines, nostrums and applications of treatment of diseases, injury or deformity, and to provide for the licensing of venders of the same."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have passed the House, title agreed to and are herewith transmitted for your concurrence.

H. B. No. 3, A bill for an Act entitled, "An Act to amend Sections 611 of the Revised Statutes, relating to the use of voting machines in counties and cities."

H. B. No. 28: A bill for an Act entitled, "An Act making an appropriation of money for the State Orphans' Home at Twin Bridges, Montana for the maintenance thereof, for the months of January and February, 1909.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

I am directed by the House to request that your Honorable Body extend the use of one of it's committee rooms for the use of the House Special Committee on State Lands.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 21, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were this day introduced, read first and second times and referred:

By Thompson, H. B. No. 117: A bill for an Act making an appropriation for buildings, live stock and improvements on the sub-experimental station of the Agricultural College in Fergue County.

Referred to Committee on Appropriations.

By Roy, H. B. No. 118: A bill for an Act to amend Section 882 of the Revised Codes of Montana, 1907, relating to the letting of Contracts by School Trustees."

Referred to Judiciary Committee.

By Committee on Live Stock and Public Ranges, H. B. No. 119: A bill for an Act entitled, "An Act making appropriations for the protection of the live stock industry in the State of Montana, and to defray the expenses incurred for the fiscal years ending November 30, 1909, and November 30, 1910."

Referred to Committee on Appropriations.

By Gray, H. B. No. 120: A bill for an Act entitled, "An Act requiring all mortgages, bonds for deed, deeds of trust, contracts for the sale or purchase of property, and assignments, to show the true name and residence of the parties thereto, and in case such parties are non-residents requiring certain affidavits to be made a part thereof, and fixing penalties for making false statements therein."

Referred to Committee on Judiciary.

By Gray, by request, H. B. No. 121: A bill for an Act entitled, "An Act to amend Section 6215 of the Revised Statutes of Montana, 1907

relating to the disqualification of judges and juries."

Referred to Committee on Judiciary.

By Smith, H. B. No. 122: A bill for an Act entitled, "An Act to amend Sections 1484 and 1488 of the Revised Statutes of 1907, of the State of Montana, relative to the appointment and duties of Boards of Health."

Referred to Committee on Sanitary Affairs.

By Kelsey, H. B. No. 123: A bill for an Act to amend Section 1815 of the Revised Codes of Montana, of 1907, relating to the record of horses and other livestock sold at public markets.

Referred to Committee on Live Stock and Public Ranges.

By Pomeroy, H. B. No. 124: A bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Ttitle XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to loggers' liens."

Referred to Judiciary Committee.

By Burke, by request: H. B. No. 125: A bill for an Act entitled, "An Act to provide for the purchase of an independent water supply for the State Capitol Building and Grounds, and to contract for the construction of necessary pipe lines, hydrants and reservoirs."

Referred to Committee on State Institutions.

By Committee on Fish and Game, Substitute for H. Bs. 24 and 32, H. B. No. 126: A bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection of wild game and beaver, and preventing the sale of beaver skins, and providing a punishment for the violation of this act."

Referred to Committee on Fish and Game.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read first and second times and referred:

By Annin, Senate Bill No. 48: A bill for an Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, property and debts, between old and new school districts.

Referred to Committee on Education.

By Donlan, Senate Bill No. 49: A bill for an Act to amend Section 2654 of the Revised Codes of Montana of 1907, relating to tax deeds, and to fix the limit of time in which actions to set aside or annul tax deeds may be brought.

Referred to Committee on Judiciary.

By Meyer, Senate Bill No. 50: A bill for an Act to amend Sections 1680 and 1682 of the Revised Codes of Montana, 1907, relating to the powers and duties of State Coal Mine Inspector.

Referred to Committee on Mines and Mining.

By Meyer, Senate Bill No. 51: A bill for an Act entitled, "An Act to create a board of examiners for examining the applicants for the position of coal mine inspector for the state of Montana, and prescribing the qualifications of applicants, and prescribing their rights and duties and fixing the compensation of the board of examiners, and the manner

of appointing said coal mine inspectors in Montana.

Referred to Committee on Mines and Mining.

By Meyer, Senate Bill No. 52: A bill for an Act entitled, "An Act to provide for the appointment of boards of examiners for applicants for certain positions in and around coal mines, prescribing their duties, and term of office, and providing for the salaries of such boards."

Referred to Committee on Mines and Mining.

By Edwards, Senate Bill No. 53: A bill for an Act to prohibit the running or conducting of dances in public dance halls, or other public places of amusement, on Sunday, and to provide penalties for a violation thereof.

Referred to Committee on Public Morals.

The following notices of introduction of bills were given:

By Donlan: A bill for an Act entitled, "An Act to establish a system of examination for master and journeymen plumbers, fixing the fees to be charged for licenses, and the disposition of the fund thus created, and providing the penalties for the violation of the provisions of this Act."

By Meyer: A bill for an Act entitled, "An Act to create a state accident insurance and total permanent disability fund, for coal miners and employees at coal washers, in the State of Montana, and providing for the maintenance and management of the same, extending and defining the duties of the State Auditor, and fixing the penalties for the violation of the provisions of this Act."

Third reading of Senate bills.

Long demanded a call of the Senate.

Roll called. Quorum present.

On motion, by unanimous consent, rules were suspended and bills were considered read at length, read by title only:

S. B. No. 13, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Romney, Sanders, Selway, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Daly, Fairbanks, McCarthy, Rae, Sykes.—5.

Title agreed to.

S. B. No. 11, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Muffley, McCone, McDonnell, Romney, Sanders, Selway, Tooley, Truscott.—21.

Noes: Meyer.—1.

Absent and not voting: Daly, Fairbanks, McCarthy, Rae, Sykes.—5.

Title agreed to.

On request of Sanders no objections being made the Senate reverted back to the ninth order of business, and notices of the introduction of the following bills were given:

By Sanders: A bill for an Act entitled an Act to amend Sections 2682, Revised Codes of 1907, relating to the sale of delinquent tax property.

By Sanders: A bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters or mills, in this state, for damages sustained by employees thereof, and to declare void contracts restricting liability."

By Kessler: A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1580, 1581, 1852 and 1584 of the Revised Codes of the State of Montana, and to repeal certain Sections relating to the practice of dentistry in the State, and to provide for further regulations with reference to the practice of dentistry in the said state of Montana."

On motion of Donlan, seconded by Sanders, the Senate at 11:55 adjourned until 2 o'clock P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Second Day.

Helena, Montana, January 25, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

By request, Cardwell, Cowgill, and Rae were excused.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 22, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bill numbered 21, beg leave to report as follows, that Senate Bill No. 21, has been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report accepted and Bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, January 25, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bills numbered 5, 9, 18, 27, 32, and 34, beg leave to report they have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report accepted and bills referred to General File.

Senate Chamber, Helena, Montana, January 25, 1909.

Mr. President:

Your Committee on Public Morals to whom was referred Senate Bill numbered 53, introduced by Edwards, being an Act to prohibit the running or conducting of dances in public dance halls, or other public places of amusement on Sunday, and to provide penalties for the violation

thereof. Report having same under consideration recommend that said bill do pass.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by McCarthy, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 22, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred:

By Gray, H. B. 127: A bill for an Act entitled, "An Act requiring the head physician of the State Insane Asylum of the State of Montana, to make a report to the District Court, showing the condition of the inmates of said asylum."

Referred to Committee on State Institutions.

By Groff, H. B. No. 128: A bill for an Act entitled, "An Act appropriating money for the construction of a farm house for the purchase of the implements and trees for the Horticulture Sub-Experiment Station in Ravalli County."

Referred to Committee on Appropriations.

By Clayberg, by request, H. B. No. 129: A bill for an Act to amend Section 3850 of the Revised Codes of Montana of 1907, relating to the annual reports and statements of corporations."

Referred to Committee on Corporations other than Municipal.

By Burke, H. B. No. 130: A bill for an Act making it the duty of the Sheriff of each county to visit in January and July, of each year every place within his county required by law to have a liquor license to ascertain if the license law is being violated, to inspect and list license and to report to Board of County Commissioners and to State Examiners.

Referred to Judiciary Committee.

By Hall, H. B. No. 131: A bill for an Act entitled, "An Act to amend Section 1344 and to repeal Sections 1347, 1348, 1349, 1350,1351, 1352, 1353, 1354, and 1355, of the Revised Codes of Montana, of 1907, concerning road taxes and funds."

Referred to Committee on Highways.

By Werner, H. B. No. 132: A bill for an Act entitled, "An Act to amend the title to Article III, Chapter II, Title VII, Part III, of the Political Code, Revised Codes of Montana, 1907, by inserting the word "Quartz" between the words "of" and "mining" in said title so that the title of the Article will read "Regulation of the industry of Quartz mining;" and amend Sections 1711, 1712, 1713, 1714, 1715, and 1716, of Article III, Chapter II, Title VII, Part III, of the Political Codes of the Revised Codes of Montana, referring to the regulation of the Industry of mining, by providing for the appointment and election of a Quartz Mine Inspector, and a Deputy Quartz Mine Inspector, and providing for the

filing of a vacancy in case of the death, resignation, or removal from office of the Quartz Mining Inspector, and the Deputy Quartz Mining Inspector, and defining their qualifications and duties, and providing penalties for the violation of the provisions of this Article, as far as the same relates to the said section."

Referred to Committee on Mines and Mining.

By Byrnes, H. B. No. 133: A bill for an Act entitled, "An Act relating to the proof of corporate existance and providing for the matter of proving the corporate character of any corporation domestic or foreign."

Referred to Committee on Corporations other than municipal.

By Largey, by request, H. B. No. 134: A bill for an Act to amend Sections 3211, 3212 and 3214 of Article I, Chapter III, Title III, Part IV, of the Political Code of the State of Montana, of the compilation of 1907, relating to the election of officers of cities of the first, second and third classes."

Referred to Committee on Privileges and Elections.

By Thompson, H. B. No. 135: A bill for an Act entitled, "An Act to amend Sections 8475, of the Revised Statutes of Montana, of 1907, relating to trespassing stock."

Referred to Committee on Live Stock and Public Ranges.

By Werner, H. B. No. 136: A bill for an Act entitled, "An Act to provide for the protection and safety of persons, in and about the construction, repairing, alteration or removal of buildings, bridges viaducts, and other structures, and to provide for the inspection of such structures by the Commissioner of the Bureau of Agriculture, Labor and Industry, and by the local building inspectors, and to provide for the penalties and damages for the violation thereof.

Referred to Committee on Labor.

By Allen, H. B. No. 137: A bill for an Act to amend Sections 8582 and 8585 of the Revised Codes of Montana, 1907, relating to the carrying of concealed weapons in cities and towns and in places of public resort.

Referred to Judiciary Committee.

By Connelly, H. B. No. 138: A bill for an Act to amend Sub-division 10, of Section 6339 of the Revised Codes of Montana of 1907, exempting licensed undertakers from acting as jurors.

Referred to Judiciary Committee.

By Connelly, H. B. No. 139: A bill for an Act to amend Section 7299 of the Revised Codes of Montana of 1907, and to extend the time for commencing actions for the foreclosure of mechanic liens.

Referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 22, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices to introduce bills were this day given:

By Burke: A bill for an Act entitled, "An Act to make it unlawful for any Senator of the State of Montana to give a banquet to which the

Speaker, Speaker Pro Tem, Chief Clerk, and Press Representatives of the House are not invited."

By Werner: A bill for an Act entitled, "An Act to improve the sanitary conditions of quartz mines."

By Werner: A bill for an Act for the protection of employees quitting their employment or discharged employees.

By Coit: A Joint Resolution relative to election of United States Senators by popular vote.

By Gray: A bill for an Act entitled, "An Act to amend Sections 327 and 328 relating to the filing of Notary Public Commissions.

By Kilgallon:: A bill for an Act making an appropriation for the Board of Railroad Commissioners of the State of Montana, for the two months ending February 28, 1909.

By Woody: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance of the State University at Missoula, Montana."

By Hammond: A concurrent Resolution relating to applications by the institutions of higher education of the State of Montana for the admission to the benefits of the retiring allowance system of the Carneigie foundation for the advancement of teaching.

By Smith: A bill for an Act entitled, "An Act to repeal Sections 1760, 1761, 1762, and 1763, Revised Statutes of 1907, relating to the registration of Deaths and Births.

By Smith: A bill for an Act entitled, "An Act to repeal Section 8368, Revised Statutes, 1907, relating to the burial of bodies.

By Gray: A bill for an Act entitled, "An Act regarding unclaimed bank deposits."

By Clayberg: A bill for an Act entitled, "An Act providing for the medical aid and assistancee, and the payment therefor, in cases of accidents on Railroads, and injuries to Railroad Employees therefrom."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill No. 67 has this day been passed and is herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

By unanimous consent Donlan was given permission to introduce a bill without previous notice.

The following bills were this day introduced, read a first and second time and referred:

By Sanders, Senate Bill No. 54: A bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters or mills in this State, for damages sustained, by employees thereof, and to declare void contracts restricing liability."

Referred to Committee on Mines and Mining.

By Sanders, Senate Bill No. 55: A bill for an Act entitled, "An

Act o amend Section 2682, Revised Statutes of Montana, of 1907, relating to the sale of real estate for delinquent taxes."

Referred to Committee on Counties, Towns and Municipals Corporations.

By Meyer, Senate Bill No. 56: A bill for an Act entitled, "An Act to create a state accident insurance and total permanent disability fund for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor; and fixing the penalties for the violations of the provisions of this Act."

Referred to Committee on Corporations other than Municipal.

By Donlan, Senate Bill No. 57: A bill for an Act to regulate bookmaking, and pool-selling upon contests of skill, speed and endurance; requiring a license to engage therein; providing penalties for the violatoin thereof, and to repeal Section 2769 of the Revised Codes of Montana, 1907.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Donlan, Senate Bill No. 58: A bill for an Act entitled, "An Act to establish a system of examination for master and journeymen plumbers; fixing the fees to be charged for licenses, and the disposition of the fund thus created; and providing penalties for the violation of the provisions of this Act."

Referred to Committee on Counties, Towns and Municipal Corporations.

The following House bill was read first and second time and referred:

By Harbert, H. B. No. 67: A bill for an Act entitled, "An Act to amend Sections 2313, 2315 and 2318 of Part 3, Title X, Chapter I, of the Political Code, relating to the election of directors in irrigation districts."

Referred to Committee on Irrigation and Water Rights.

Third reading of Senate bills.

On motion by unanimous consent rules were suspended and bill considered read at length, read by title only.

Senate Bill No. 21 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Edwards, Everett, Meyer, McCarthy, McCone, McDonnell, Sanders, Selway, Sykes, Tooley.—12.

Noes: Annin, Cockrell, Long, Truscott.—4.

Absent and not voting: Cardwell, Cowgill, Daly, Donlan, Fairbanks, Haviland, Kessler, Metcalf, Muffley, Rae, Romney.—11.

Title agreed to.

On motion of Edwards, seconded by Sanders, Senate adjourned at 3 P. M. until 2 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Third Day.

Helena, Montana, January 26, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

By request, Metcalf was excused.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 2, 26, 30, 31, 42, 43, 46 and 36, beg leave to report they have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, January 25, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 48, being a bill for an Act entitled, "An Act to amend Section 843 of the Revised Codes of Montana of 1907, relating to the division of funds, proprty and debts, between old and new school districts," beg leave to report and recommend that the bill do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 26, 1909.

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 55, being a bill for an Act entitled, "An Act to amend Section 2682 of the Revised Statutes of 1907, relating to the sale of real estate for delinquent taxes," beg leave to report as follows: That we have had same under consideration and recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Sanders, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 57, a bill for an Act to regulate book-making and pool-selling upon contests of skill, speed and endurance; requiring a license to engage therein, providing penalties for the violation thereof, and to repeal Section 2769, Revised Codes of Montana, 1907, beg leave to report as follows: That we have had same

under consideration and recommend that it be printed.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill No. 41, a bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of Montana, being a portion of the Political Codes covering regulations of the practice of medicine and examination of applicants," beg leave to report as follows: That we have had same under consideration and recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by Donlan, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Privileges and Elections, to whom was referred House Bill No. 3, a bill for an Act entitled, "An Act to amend Section 611 of the Revised Statutes, relating to the use of voting machines, in counties and cities," having had the same under consideration beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Sanders, seconded by Rea, report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Privileges and Elections, to whom was referred Senate Bill No. 33, a bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of the State of Montana, 1907, relating to questions to be put to electors and cancelling of registration of electors," having had the same under consideration beg leave to report as follows: Recommend that same do pass.

Respectfully,

FAIRBANKS, Chairman.

On motion of Fairbanks, seconded by Rae, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee on Privileges and Elections, to whom was referred Senate Bill No. 35, a bill for an Act entitled, "An Act to amend Section 480 of the Revised Codes of Montana, relating to questions to be put to electors," having had the same under consideration beg leave to report as follows: Recommend that it be indefinitely postponed for the reason

that same is covered by previous Senate Bill No. 33.

Respectfully,

FAIRBANKS, Chairman.

On motion of McCone, seconded by Rae, report adopted and bill indefinitely postponed.

The following communication from His Excellency, the Governor, was received and read:

Executive Office, Helena, Montana, January 26, 1909.

The President of the Senate,

Senate Chamber,

Helena, Montana.

I have the honor to advise you that I have this day received from the Treasurer of the United States a warrant for the sum of sixty-one thousand nine hundred and forty-one and 46-100 dollars, this being the amount due the State of Montana as its proportion of receipts from national forests during the fiscal year ended June 30, 1908. This payment is made under the provisions of the Agricultural Appropriation Bill passed by Congress and approved May 23, 1908.

Transmitted herewith is a copy of a letter received from the acting Auditor for the State and other departments in which is shown the proportion of receipts from the several national forests within the State. It will be observed that under the provision of the law referred to this fund must be disbursed as the Legislative Assembly prescribes, for the benefit of the public schools and public roads, of the county or counties in which the forest reserves are situated.

In order, therefore, that the counties affected may receive the benefit of this fund it will be necessary for this assembly to enact a law providing for the distribution of the money and fixing the distributive share of each county. Inasmuch as there can be no distribution otherwise, I respectfully suggest that direction also be given for the payment to the several counties of the funds that will be paid to the State on this account in the years 1909 and 1910.

The money received for the fiscal year 1908, has been by me deposited with the State Treasurer, to be held until directions for its disbursement shall shall have been given by this assembly.

EDWIN L. NORRIS, Governor.

Statement enclosed in the communication from the Governor referred to Committee on Finance and Claims.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that:

H. B. No. 42: A bill for an Act entitled, "An Act to amend Section 1305, of the Revised Codes of Montana, of 1907, relating to the salary of the Chaplain of Soldiers' Home", and that,

H. B. No. 59: A bill for an Act entitled, "An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors for the year 1909," were

read third time and passed, title agreed to, and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that H. B. No. 36 and Concurrent Resolution No. 1. were to-day read a third time and passed and the same are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were introduced, read first and second times and referred:

By Kilgallon, H. B. No. 140: A bill for an Act making an appropriation for the Board of Railroad Commissioners for the State of Montana, for the three monehs ending February 28, 1909.

Referred to Committee on Appropriations.

By McCoy, H. B. No. 141: A bill for an Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases injury or deformity and to provide for the licensing of venders of the same.

Referred to Judiciary Committee.

By Norton, H. B. No. 142: A bill for an Act to amend Section 3478 of Article II, Chapter VI, Title III, Part IV, of the Political Code of Montana, an Act relating to unplatted tracts of land in cities and towns and giving councils the right to have same platted.

Referred to Committee on Affairs of Cities.

By Gray, H. B. No. 143: A bill for an Act entitled, "An Act to amend Section 2887 of the Revised Statutes of Montana, of 1907, relating to the meetings and proceeding of the Boards of County Commissioners and the publication thereof.

Referred to Judiciary Committee.

By Gray, H. B. No. 144: A bill for an Act entitled, "An Act to amend Sections 1433, of the Revised Statutes of Montana, of 1907, relating to penalties for violation of Sections 1429 and 1430, and 1431, of the Revised Statutes of Montana, of 1907, relating to the use of motor vehicles."

Referred to Committee on Affairs of Cities.

By Werner, H. B. No. 145: An Act entitled, "An Act for the protection of employees quitting their employment, or discharged employees, and providing penalties for the violation of this Act."

Referred to Committee on Labor.

By Harbert, H. B. No. 146: A bill for an Act entitled, "An Act to provide for the construction and furnishing of a state fish hatchery in Flathead County, Montana, for the propogation of commercial food, fish and other fish and appropriating money therefor.

Referred to Committe on Fish and Game.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices were to-day given:

By Norton: A bill for an Act to create and establish a home for the care and maintenance and employment of blind men and women."

By Cummings of Chouteau: A bill for an Act entitled, "An Act to amend Section 402 of the Political Code of the State of Montana, relating to the distribution of the Revised Statutes and Session Laws."

By Harbert: A bill for an Act regulating the hours for closing saloons and other places where intoxicating liquors are sold and providing a penalty therefor.

By Whaley. A bill for an Act entitled, "An Act regulating the taxation of mortgaged debts and mortgaged property and the payment of taxes thereon, and making mortgages for the purpose of assessment and taxation, interests in mortgaged property.'

By Safley: A bill for an Act to amend Sections 953, 958 and 959, of the Revised Codes of Montana of 1907, relating to the examinations and qualfications of teachers and to the grade of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates, of the State Normal College, and to repeal Section 964, of the Revised Codes of 1907.

By Insurance Committee: A bill for an Act entitled, "An Act concerning the duration and renewal of life insurance corporations, and the number of directors thereof."

By Werner: A bill for an Act entitled, "An Act to add an additional section to Article II, Chapter II, Title II, Part IV, of the Political Code relating to County Printing."

By Edgerton: A bill for an Act to amend Section 1504 of the Revised Statutes of Montana to annually provide free vaccination of pupils and teachers entering any school in the State of Montana, by legally qualified physician and surgeon, to be designated and paid out of the general fund by the Board of County Commissioners of each county, and the designation of such physician and surgeon be approved by the State Board of Health."

By Burke: A bill for an Act entitled, "An Act to create the County of Musselshell, designating and defining its boundaries, and to provide for its organization and government, and to apportion the indebtedness existing between the said county of Musselshell and the Counties of Yellowstone and Fergus."

By Gray: A bill for an Act entitled, "An Act to amend Section 2759 relating to licenses."

By Owenhouse: A bill for an Act to amend Sections 649, 650 and 651 of the Revised Codes of Montana of 1907, relative to the issuance of state and life certificates.

By Owenhouse: A bill for an Act entitled, "An Act appropriating

money for the erecting and furnishing of a womans' dormatory at the Montana Agricultural College, at Bozeman, Montana,"

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following Resolutions were this day introduced, read first and second times and referred:

H. Joint Resolution, by Coit: Relative to election of United States Senators by popular vote.

Referred to Committee on Privileges and Election.

H. Concurrent Resolution No. 2, by Committee on Education: A concurrent resolution relating to applications by the institutions of higher education of the State of Montana, to the benefits of the retiring allowance system of the Carnegie Foundation for advancement of teaching.

Referred to Committee on Education.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read first and second times and referred:

On motion of Cowgill, seconded by Kessler, by unanimous consent Senate Bill No. 59, read by title only first and second time.

By Committee on Public Lands, Senate Bill No. 59: A bill for an Act entitled, "An Act providing for the manaement and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management protection and disposition of the timber growing thereon, and the coal, oil and minerals, therein, providing for the management control of the funds realized from the sale and rental of State Lands and the products thereof, naming and providing for certain officers, subordiante to the State Board of Land Commissioners and prescribing their duties and compensation, providing for the acquisition of water rights for use upon state lands, and defining and providing for the punishment of certain offenses for violating the provisions of this Act."

Referred to Committee on Public Lands:

By Romney, by request, Senate Bill No. 60: A bill for an Act to amend Sections 1025, 1028, and 1029, of the Revised Codes of Montana, of 1907, relative to the designation of Pioneer Day, filing of essays, and course of exercises.

Referred to Committee on Education.

The following House Bills, were read the first and second times and referred:

By Hutchinson, H. B. No. 42: A bill for an Act entitled, an Act to amend Section 1305, of the Revised Codes of Montana, 1907, relating to the salaries of the Chaplain of the Soldiers' Home.

Referred to Committee on Finance and Claims.

By Frank, H. B. No. 36: A bill for an Act entitled, "An Act ap-appropriating money for the payment of the claim of Julius Barney for

services rendered as paymaster in paying to the Spanish-American War Veterans the back pay due them for services between the time of enrollment and mustering into service.

Referred to Committee on Finance and Claims.

By Kilgallon, H. B. No. 59: A bill for an Act entitled, "An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors, for the year 1909.

Referred to Committee on Finance and Claims.

By Committee on Federal Relations, H. C. R. No. 1: Memorial to Congress for constitutional amendment to prohibit polygamy and to secure uniform divorce laws.

Referred to Committee on Federal Relations.

Notices of introductions of bills were given as follows:

By Everett, Senate Concurrent Resolution: To our Senators and Representatives in Congress requesting that proper estimates be obtained through the war department of the requirements for the general improvement of the upper Missouri River and its tributaries.

By Long: A bill for an Act entitled, "An Act to create the county of Cabinet, designating its boundaries and providing for its organization and government.

By Everett: A bill amending Section 4308 of the Revised Statutes of 1907, relating to the killing of live stock by Railway Corporations.

By Rae: A bill for an Act to authorize banks and banking institutions acting as trustees to pay over trust funds upon the death of the trustor.

By Rae: A bill for an Act to punish persons furnishing intoxicating liquors to habitual drunkards, minors, or Indians."

By Selway: A bill for an Act to amend Sections 1711, and 1712, of the Revised Codes of Montana, of 1907, relating to the salary of the Inspector and Deputy Inspector of Mines.

On motion of Everett, seconded by Sanders, the Senate resolved itself into Committee of the Whole to consider bills on the General File, with,

Edwards in the chair:

Committee arose.

Senate resumed.

President in the chair.

Edwards, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, January 26, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend, that,

S. B. No. 6, do pass.

S. B. No. 9, do pass.

S. B. No. 18, be re-referred to Committee on Irrigation and Water Rights.

S. B. No. 27, do pass.

S. B. No. 32, do pass.

S. B. No. 34, do pass.

Respectfully,

EDWARDS, Chairman.

On motion of McCone, seconded by Donlan, report adopted and Senate Bills numbered 6, 9, 27, 32, and 34, were referred to Committee on Engrossed Bills.

Senate Bill No. 18, re-referred to Committee on Irrigation and Water Rights.

On motion of Donlan, seconded by Edwards, Senate adjourned at 4 o'clock P. M., until 2 o'clock P. M., tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Fourth Day.

Helena, Montana, January 27, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, January 27, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 24, and 47 beg leave to report that they have been correctly printed.

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, January 27, 1909.

Mr. President:

Your Committee on Judiciary to whom was referred House Bill numbered 25 introduced by Frank, a bill for an Act entitled, "An Act to approve, legalize and adopt the division and arrangement of the Revised Codes of Montana, of 1907", having had same under consideration beg leave to report as follows, respectfully recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Sanders, seconded by Selway, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, January 27, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bills numbered 6, 9, and 27, beg leave to report as follows: That same have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bills referred to calendar for third reading.

The following communications from the House, were received and read:

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 74, 76, 79, and 90 were to-day read a third time and passed and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Concurrent Resolution No. 3, has been this day, under suspension of the rules, unanimously passed, and is herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 53, 72, 99, and 139, have been indefinitely postponed.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that S. B. No. 21, was read first and second times and referred to Committee on Judiciary.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices were given for the introduction of bills:

By Derry: A bill for an Act to amend Section 2841, Revised Codes of 1907, being Section 1 of an Act entitled, "An Act to create the county of Sanders, designate its boundaries and provide for its organization and government," approved February 7, 1905.

By Arnett: A bill for an Act to create the county of Shaw to define its boundaries and to provide for its organization, which said proposed county will embrace the eastern part of Valley county.

By Ward: A bill for an Act entitled, "An Act to amend Sections 3808, 3825, and 3826 of the Revised Codes of Montana, 1907, relating

to corporations and their power to hold stock."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices were to-day given:

By O'Donnell: A bill for an Act entitled, "An Act to provide for the selection of a site and erection of a State Hospital for sick and injured persons, to be located at or near, Butte, Silver Bow county, Montana, to be called the State Hospital for injured persons, and for the management of the same."

By O'Donnell: A bill for an Act to amend Section 3118, of the Revised Codes of Montana, 1907, relating to the compensation allowed deputies and assistant county officers.

By Werner: A bill for an Act entitled, "An Act to amend Section 8563 of Title 10, Part 1, of the Penal Code, Revised Codes of Montana, 1907, providing for penalties for failure to inspect quartz mines, etc."

By Clayberg: A bill for an Act entitled, "An Act regulating the salaries and hours of labor of Jailors in counties of the third class, and to amend Section 3119 of the Revised Codes of Montana."

By Mitchell: A bill resting the power from the County Commissioners and "vesting" the same in the County Surveyors for the supervision over and to the building of all roads."

By Owenhouse: A bill for an Act appropriating money for certain buildings and improvements at the Experiment Station, at Bozeman, Montana.

By Edgerton: A bill for an Act entitled, "An Act to provide for the Torrens Land Title System."

By Duncan: A bill for an Act providing that a city or town by borrowing money or issuing bonds for the purpose of purchasing lands for public parks and grounds"

By Bogart: A Joint Resolution, providing for the appointment of a committee consisting of five members of the House of Representatives, and five members of the State Senate and giving said Committee full power to properly investigate the sale of certain state lands in Flathead county, and the sale of other state lands; to investigate the office of the Register of State Lands and State Land Commissioner and giving unto said committee full authority to incur the necessary expense in making such investigation.

By Safley: A bill for an Act entitled, "An Act to amend Section 1776 of the Revised Statutes of the State of Montana, relative to registration of births and deaths."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times

and referred:

By Burke, H. B. No. 147: A bill for an Act entitled, "An Act to create the county of Musselshell, designating and defining its boundaries, dan providing for its organization and government, and to apportion the indebtedness existing between the said county of Musselshell and the counties of Yellowstone and Fergus."

Referred to Committee on Towns and Counties.

By Committee on Insurance, H. B. No. 148: A bill for an Act concerning the duration and renewal of life insurance corporations and the number of directors thereof.

Referred to Committee on Insurance.

By Werner, H. B. No. 149: A bill for an Act entitled, "An Act to improve the sanitary conditions of quartz mines, by providing for the proper ventilation of same, and providing for toilets and the cleansing of said toilets, and underground stables and the removal of all filth from the underground working of said mines and providing penalties for the violation of this Act."

Referred to Committee on Mines and Mining.

By Werner, H. B. No. 150: A bill for an Act entitled, "An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relting to county printing to be designated as Section 4234, providing a penalty for violation of Section 4233, of the Political Code."

Referred to Printing Committee.

By Gray, H. B. No. 151: A bill for an Act entitled, "An Act to amend Section 2759, of the Revised Statutes of Montana, of 1907, relating to the license of retail liquor dealers."

Referred to Committee on Internal Improvements.

By Norton, H. B No. 152: A bill for an Act entitled, "An Act to create and establish a home for the care maintenance and employment of blind men and women, providing for location, management and regulation thereof; and providing an appropriation and revenue for the maintenance of same."

Referred to Committee on State Institutions.

By Smith, H. B. No. 153: A bill for an Act entitled, "An Act to repeal Section 8368, Revised Statutes, of 1907, relating to the burial of bodies."

Referred to Committee on Sanitary Affairs.

By Smith, H. B. No. 154: A bill for an Act entitled, "An Act to repeal Sections 1760, 1761, 1762, and 1763, Chapter III, Article I, of the Revised Statutes of Montana, 1907, relating to the registration of deaths and births."

Referred to Committee on Sanitary Affairs.

By Cummings of Chouteau, H. B. No. 155: A bill for an Act entitled, "An Act to amend Sections 402, of the Political Code of the State of Montana, relating to the distribution of the Revised Statutes and Session Laws."

Referred to Judiciary Committee.

By Woody, H. B. No. 156: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for maintenance

of the State University, at Missoula, Montana,"

Referred to Appropriation Committee.

By Whaley, H. B. No. 157: A bill for an Act entitled, "An Act regulating the taxation of mortgaged debts and mortgaged property and the payment of taxes thereon, and making mortgages for purposes of assessment, and taxation, interests in the mortgaged property."

Referred to Committee on Ways and Means.

By Safley, H. B. No. 158: A bill for an Act to amend Sections 953, 958 and 959, of the Revised Codes of Montana, of 1907, relating to the examination and qualifications of teachers and the grade of teachers' certificate, and to amend Section 963 of the Revised Codes of Montana, relating to status of graduates of the State Normal School, and to repeal Section 964 of the Revised Codes of 1907."

Referred to Committee on Education.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have been introduced:

By Thompson, H. B. No. 159: A bill for an Act entitled, "An Act to repeal Section 4015 of the Revised Codes of Montana, concerning banking corporations of this state.'

Referred to Committee on Banks and Banking.

By Ward, H. B. No. 160: A bill for an Act entitled, "An Act to amend Section 3808, 3825 and 3826, of the Revised Codes of Montana, of 1907, relating to corporations and to authorize corporations to acquire, own, hold, mortgage, pledge, and dispose of capital stock bonds, securities, or other evidences of indebtedness of other corporations."

Referred to Committee on Judiciary.

By Harbert, H. B. No. 161: A bill for an Act to provide for the erection of docks and wharves on the navigable rivers within the State of Montana, and to provide for their management and control."

Referred to Committee on Water Ways and Navigation.

By Owenhouse, H. B. No. 162: A bill for an Act entitled, "An Act appropriating money for the erection and furnishing of a womens' dormitory at the Montana Agricultural College, at Bozeman, Montana."

Referred to Committee on State Institutions.

By Owenhouse, H. B. No. 163: A bill for an Act to amend Sections 649, 650, and 651, of the Revised Codes of Montana, of 1907, relative to the issuance of State and Life Certificates.

Referred to Committee on Education.

By Mitchell, H. B. No. 164: A bill for an Act to prohibit the manufacture, making, sale, exchange, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any paper or wrapper, prepared for the purpose of being filled with tobacco for smoking and prescribing penalties therefor."

Referred to Committee on Sanitary Affairs.

By Derry, H. B. No. 165: A bill for an Act to amend Section 2841,

of the Revised Codes of Montana, of 1907, being Section 1, of an Act entitled, "An Act to create the county of Sanders, designate its boundaries, and to provide for its organization and government, approved February 7, 1905."

Referred to Committee on Counties and Towns.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read a first and second time and referred:

By Rae, S. B. No 61: A bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana, 1907, in regrd to the furnishing of intoxicating liquors to habitual drunkards, minors, or Indians."

Referred to Committee on Public Morals.

By Selway, Senate Bill No. 62: A bill for an Act entitled, "An Act to amend Sections 1711 and 1712, of the Revised Codes of Montana, of 1907, relating to the salary of the inspector and Deputy Inspector of Mines."

Referred to Committee on Mines and Mining.

By Kessler, by request, Senate Bil No. 63: A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1580, 1581, 1582 and 1584, of the Revised Codes of the State of Montana, and to repeal certain sections relating to the practice of dentistry in the state and to provide for further regulations with reference to the practice of dentistry in the said State of Montana."

Referred to Committee on Agriculture and Manufacturers.

By Everett, Senate Bill No. 64: A bill for an Act entitled, "An Act to amend Sections 4308, of the Revised Codes of 1907, relating to the killing of live stock by railway corporations."

Referred to Committee on Railway and Transportation.

By Long, by request, Senate Bill No. 65: A bill for an Act entitled, "An Act to create the county of Cabinet, designate its boundaries, and to provide for its organization and government."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Rae, Senate Bill No. 66: A bill for an Act entitled, "An Act to amend Section 2244, of the Codes of Montana, of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges, when requested so to do by Boards of County Commissioners.

Referred to Committee on Roads, Highways and Bridges.

By Everett, by request, Senate Concurrent Resolution No. 1: A Resolution to the Senators and Representatives in Congress requesting that the proper estimates be obtained through the war department of the requirements for the general improvement of the upper Missouri River and its tributaries.

Referred to Committee on Federal Relations.

The following House Bills were read first and second times and referred:

By Shoemaker, H. B. No. 76: A bill for an Act entitled, "An Act to

provide for an examination by the Commissioner of Insurance of all insurance companies, including surety companies, organized under the laws of this state, or organized under the laws of any other state or territory or foreign country and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examinations, and relating to the revocation of licenses, and to provide penalties, for the violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128, 4129, of the Revised Codes of Montana, 1907."

Referred to Committee on Insurance.

By Lehrkind, H. B. No. 79: A bill for an Act entitled, "An Act to amend Sections 4019 and 4022, of the Revised Codes of Montana, of 1907, relating to licenses of insurance companies and agents."

Referred to Committee on Insurance.

By Werner, H. B. No. 74: A bill for an Act entitled, "An Act to declare the 12th day of February in each year to be a legal holiday, to be known and designated as Lincoln's Birthday.

Referred to Committee on Education.

By Kilgallon, H. B. No. 90: A bill for an Act entitled, "An Act to appropriate Thirty-one Thousand Dollars, for the payment of the deficiency claims of Mitchell & Mussigbrod, for the care of patients of the Insane Asylum for the two years expiring March 1st, 1909."

Referred to Committee on Finance and Claims.

Moved by Edwards, seconded by Albright, that Senate Bill No 27, be re-referred to Committee on Railroads and Transportation.

Moved by Sanders, seconded by Rae, that previous motion be laid on the table.

Motion lost and Senate Bill No. 27 re-referred to Committee on Railroads and Transportation.

Notices of Introduction of Bills were given as follows:

Senate Chamber, Helena, Montana, January 27, 1909.

By Long: A bill for an Act entitled, "An Act to prevent discrimination by surety companies."

By Meyer: A bill for an Act entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowment and investment companies," approved March 7, 1905.

On motion of Rae, seconded by Sanders, Miss T. C. Blackstone was employed as general Stenographer to the Senate.

On motion of Edwards, seconded by Donlan, Senate resolved itself into Committee of the Whole, with

Cockrell in the chair.

Committee arose.

President in the chair.

Cockrell, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 27, 1909.

Mr. President:

Your committee of the whole having had under consideration the General File of Bills instruct me to report and recommend that:

S. B. No. 26, be re-referred to Committee on Education.

S. B. No. 30, be amended in Section 1, by striking out in line 6 the word "two" and inserting in lieu thereof the word "Four", also by striking out the word "two", in Section 14 line 143, and inserting in lieu thereof the word "four", and as amended that the bill do pass.

S. B. No. 31, do pass.

S. B. No. 42, do pass.

S. B. No. 43, do pass.

S. B. No. 46, do pass.

S. B. No. 36, do pass.

H. B. No. 25, be concurred in.

Respectfully,

COCKRELL, Chairman.

On motion of McCarthy, seconded by Donlan, report adopted and, Senate Bills numbered 30, 31, 42, 43, 46, 36, and House Bill No. 25 referred to calendar for third reading.

Senate Bill No. 26 re-referred to Committee on Education.

Third reading of Senate Bills.

Senate Bill No. 6, was read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Daly, Kessler, Metcalf, Sanders.—4.

Title agreed to.

S. B. No. 9, passed by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Meyer, McCone, McDonnell, Rae, Selway, Sykes, Tooley. —15

Noes: Cardwell, Cockrell, Conrow, Long, Muffley, McCarthy, Romney, Truscott.—8.

Absent and not voting: Daly, Haviland, Metcalf, Sanders. —4.

Title agreed to.

On motion of Cockrell, seconded by McDonnell, House Bill No. 3, referred to General File.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, January 27, 1909.

Mr. President:

Your Committees on Engrossed Bills to whom was referred Senate Bills numbered 32 and 34 beg leave to report as follows: that said bills have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and bills referred to Calendar for third reading.

The following communication from the House received and read:

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following motion was to-day passed: I move that the Chief Clerk of the House of Representatives be instructed to notify the President of the Senate that his body has appointed a committee to investigate the sales of certain lands belonging to the State of Montana, situated in Flathead County and other sale of state lands, and that it is the wish and desire of the House of Representatives that a Committee be appointed in the Senate for the purpose of acting co-jointly with the House Committee already named to investigate the sales of said state lands, and to inquire fully into the conduct of the business of the state land office, the Register of State Lands, and the board of Land Commissioners, and to do all acts and things deemed necessary by such joint committee to carry on investigation, and that it is respectfully asked by this body that the Honorable Senate take early action upon this communication and request.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Cowgill, seconded by McCarthy that the president appoint a committee of five to act with a like committee from the House in the Investigation of the State Land Office.

Moved by Edwards, as a substitute, that the Senate has full confidence in the Committee of the House now investigating the affairs of the State Land Office and the report of said committee will be accepted by the Senate as if the same were made by a joint committee and that no committee be appointed by the Senate.

Substitute motion lost, original motion prevails and the President appointed Cowgill, Truscott, Selway, Sykes, and Cockrell, to act co-jointly with a like committee from the House in the investigation of the business of the State Land Office.

On motion of Donlan, seconded by Albright, Senate adjourned at 3:45 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Fifth Day.

Helena, Montana, January 28, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Fairbanks excused.

Journal read and approved.

Standing Committees reported as follows.

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bill numbered 53, beg leave to report the same has been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and Bill referred to General File.

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

Your Committee on Education to whom was referred Senate Bill numbered 60, being an Act to amend Sections 1025, 1028 and 1029, of the Revised Codes of Montana, of 1907, relative to the designation of Pioneer Day, filing of essays and course of exercises, beg leave to report that they have had the same under consideration and recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by McDonnell, report adopted and Bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 28, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 97 and 5, have this day been read a third time, passed and title agreed to and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices for introduction of bills were this day given:

By Berkin: A bill for an Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees on railway trains, and to confer upon the Railroad Commissioners of Montana, certain power in relation thereto.

By Duncan: A bill for an Act to amend Sections 9258 of the Revised Codes of 1907, relating to the challenging of jurors of the state in criminal cases.

By Eliel: A bill for an Act entitled, "An Act to amend Section 2742 of the Revised Codes, of 1907, relating to the payment of taxes under protest.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that

House Bills 47, 56, and 65 have this day passed the House and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that a special committee to investigate the affairs of the Montana State Fair association were to-day appointed, and consists of, Wilham, Largey, Werner, Mitchell, Wood.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced read first and second time and referred:

By Long, Senate Bill No. 67: A bill for an Act entitled, "An Act to prevent discrimination by surety companies."

Referred to Judiciary Committee.

By Meyer, Senate Bill No. 68: A bill for an Act entitled, "An Act enlarging the powers of companies now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowments and investment companies," approved March 7, 1905, etc.

Referred to Committee on Judiciary.

By unanimous consent Kessler was given permission to introduce a bill without previous notice.

By Kessler, Senate Bill No. 69: A bill for an Act to amend paragraph 3, of Section 899, Article VI, Chapter VII, of the Political Code relating to taking the school census and providing penalties.

Referred to Committee on Education.

The following House Bills were read first and second times and referred:

By Duncan, House Concurrent Resolution No. 3: In reference to having a Joint Committee of Senate and House visit the State Orphans' Home at Twin Bridges, Montana.

Moved by Donlan, seconded by Annin, that the President appoint one member from the Senate to act with two members from the House to compose such committee as required by resolution.

Motion carried.

By Byrnes, H. B. No. 47: A bill for an Act entitled, "An Act to amend Sections 7359 of the Revised Codes of Montana, of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which the proceedings may be instituted."

Referred to Judiciary Committee.

By Garber, H. B. No. 65: A bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries, and wharves and to establish regulations thereof."

Referred to Committee on Counties, Towns, and Municipal Corporations.

By Maxwell, H. B. No. 97: A bill for an Act entitled, "An Act to provide for fire drills in the Schools of this state."

Referred to Committee on Education.

By Woody, H. B. No. 5: A bill for an Act to amend Section 1413, of the Revised Codes of Montana 1907, relating to the construction and repair of bridges.

Referred to Committee on Roads, Highways and Bridges.

By Clayberg, H. B. No. 56: A bill for an Act entitled, "An Act amending Section 8339, Part I, Title IX, Chapter I, Penal Code of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of rape."

Referred to Committee on Judiciary.

Notices of the introductions of bills were this day given as follows:

By Donlan: A bill for an Act to secure liens to mechanics, laborers, horseshoers, and wagon builders, and repairers.

By Long: A bill relating to a system of banking and providing a fund guaranteeing the deposit of depositors in the banks of this state.

By Edwards: A bill for an Act entitled, "An Act to amend Section 4363 of the Revised Codes of Montana, of 1907, relating to the Board of Railroad Commissioners, so as to provide for the appointment by the Governor of the incumbents of said offices instead of their election."

By Annin: A bill for an Act to amend Section 904 of the Revised Codes of Montana, of 1907, relating to construction of teachers' contract, with respect to legal holidays."

Standing Committees reported as follows.

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

Your Committee on Mines and Mining to whom was referred Senate Bills numbered 30, 42, 43, and 46, beg leave to report as follows: That said bills have been correctly engrossed and are herewith returned to the Senate.

Report adopted and Bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

Your Committee on Mines and Mininf to whom was referred Senate Bill No. 62, a bill for an Act to amend Sections 1711, and 1712 of the Revised Codes of Montana of 1907, relating to the salary of Inspector and Deputy Inspector of Mines," having had same under consideration beg leave to report as follows that the same do pass.

Respectfully,

RAE, Chairman.

Report adopted and bill referred to Printing Committee.

The following motion was read and referred:

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

I move that before any bill can come up on the General File for consideration in the Committee of the Whole, that the number of the bill shall be placed upon the black board at least one day before the same

can be considered, and that it shall be placed upon the blackboard on the day preceeding its hearing not later than the adjournment of the Senate on that day.

Motion referred to Committee on Rules.

The following Joint Resolution was read and adopted:

By Cowgill, Joint Resolution No. 2: An Act authorizing the Committee on Land Investigation to employ an attorney:

Whereas, a Joint Committee has been appointed by the House and Senate of this Legislative Assembly to investigate the affairs of the State Land Office, and

Whereas, that committee believes it will be necessary to employ special counsel to represent the state in such investigation,

Now, therefore, be it resolved by the Senate, (with the concurrence of the House), that your said committee be and is hereby authorized to employ such legal assistance as may in the opinion of the committee be deemed advisable.

On motion of Donlan, seconded by Tooley, the Senate resolved itself into a Committee of the Whole for consideration of bills on General File, with,

Everett in the chair.

Committee arose.

Senate resumed.

President in the chair.

Everett, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 28, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that:

H. B. No. 25, be concurred in.

H. B. No. 3, be amended in Section 1, by striking out in line 3 the words "Counties and Cities to use machines" and inserting in lieu thereof the words and figures as follows to-wit: "Section 611 voting machines", and as amended that the bill be concurred in.

S. B. No. 2, do pass.

S. B. No. 24, do pass.

Respectfully,

EVERETT, Chairman.

On motion of Donlan, seconded by Tooley, report adopted and H. Bills numbered 25 and 3, and Senate Bills numbered 2 and 24 referred to Calendar for third reading.

Third reading of Senate Bills.

S. B. No. 32, read third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Tooley.—20.

Noes: None.

Absent and not voting: Annin, Daly, Fairbanks, Long, Selway, Sykes.—7.

Title agreed to.

On motion of Everett, duly seconded, Senate Bill No. 34 re-referred to Committee on Public Morals.

Senate Bill No. 46, read a third time and passed by the following vote.

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Annin, Daly, Fairbanks, Long, Rae, Sykes.—6.

Title agreed to.

Senate Bill No. 43 read third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Annin, Daly, Firbanks, Selway, Long.—5.

Title agreed to.

S. B. No. 42, read third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Annin, Daly, Fairbanks, Long, Meyer.—5.

Title agreed to.

S. B. No. 30, read third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: Romney.—1.

Absent and not voting: Daly, Fairbanks, Long, McCarthy.—4.

Title agreed to.

On motion of Donlan, seconded by Everett, Senate adjourned at 4:12 P. M. until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Sixth Day.

Helena, Montana, January 29, 1909.

Senate convened at 10:30 o'clock A. M.

President in the chair.

Roll called. Quorum present.

Donlan and Romney excused.

Prayer by the Chaplain.

Journal read and approved.

The President appointed Selway to act with two members of the House to investigate the State Orphans' Home at Twin Bridges, Montana; with reference to House Resolution No. 3.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill No. 7, "An Act to amend Section 2769 of the Revised Codes of Montana, concerning the licenses of retail liquor dealers, beg leave to report as follows: That we have had same under consideration, and recommend that it be indefiintely postponed.

Respectfully,

ALBRIGHT, Chairman.

On motion of Albright, seconded by McCone, report adopted and S. B. No. 7, indefinitely postponed.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Roads and Highways and Bridges to whom was referred Senate Bill numbered 66, a bill for an Act entitled, "An Act to amend Section 2244 of the Codes of Montana, of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges, when requested so to do by boards of County Commissioners," beg leave to report we have had the same under consideration and recommend that it be passed.

Respectfully,

SYKES, Chairman.

On motion of McCone, seconded by Sykes, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill numbered 59, a bill for an Act entitled, "An Act appropriating money for the payment of the per diem and mileage of certain persons on account of services as Presidential Electors for the year 1909," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred Senate Bill numbered 23, a bill for an Act to amend Sections 149, 168, 194, 186, and 175, of the Revised Codes of Montana, 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor, and State Treasurer, beg leave to report that we have had

the same under consideration and recommend that it do pass.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill numbered 36, a bill for an Act entitled, "An Act appropriating money for the payment of the claim of Julius Barney for services rendered as pay master in paying to the Spanish American War Veterans, the back pay due them for services between the time of enrollment and mustering in of service," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Cowgill, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill numbered 90, a bill for an Act entitled, "An Act to appropriate thirty-one thousand dollars for the payment of the deficiency claim of Mitchell and Mussigbrod, for the care of patients of the insane asylum for the two years expiring March 1, 1909, beg leave to report back that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill numbered 28, a bill for an Act entitled, "An Act making an appropriation of money for the State Orphans' Home at Twin Bridges, Montana for the maintenance thereof for the months of January and February, 1909," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Sanders, report adopted and bill referred to General File.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 28, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following House Concurrent Resolution was to-day introduced, read

first an second time and referred:

By Bogart, House Concurrent Resolution No. 4: In reference to increase of assessment of railway property.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 28, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred.

By Duncan, H. B. No. 166: A bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing lands for public, city or town parks and grounds."

Referred to Judiciary Committee.

By Safley, H. B. No. 167: A bill for an Act entitled, "An Act to amend Section 1776 of the Revised Statutes of the State of Montana, relative to registration of births and deaths."

Referred to Committee on Sanitary Affairs.

By Werner, H. B. No. 168: A bill for an Act entitled, "An Act to amend Section 8563, of Title 10, Part 1, of the Penal Code, Revised Codes of Montana, 1907, providing for certain penalties for violation of same in relation to quartz mining."

Referred to Committee on Mines and Mining.

By Werner, H. B. No. 169: A bill for an Act entitled, "An Act to amend Section 1722, Article III, Chapter II, Title VII, Part III, of the Political Code, Revised Codes of Montana, 1907, relating to regulation of the industry of mining and providing penalties for the violation of the same."

Referred to Judiciary Committee.

By Eliel, H. B. No. 170: A bill for an Act to prohibit the selling or dispensing of liquors in clubs, societies, and associations, in towns and places of less than three hundred inhabitants, without a liquor dealers license.

Referred to Judiciary Committee.

By Eliel, H. B. No. 171: A bill for an Act entitled, "An Act to amend Section 2742, of the Revised Codes of 1907, relating to the payment of taxes under protest."

Referred to Judiciary Committee.

By O'Connell, H. B. No. 172: A bill for an Act entitled, "An Act to amend Section 3118, of the Revised Codes of Montana, 1907, relating to compensation allowed to deputy and assistant county officers."

Referred to Judiciary Committee.

By Harbert, H. B. No. 173: A bill for an Act entitled, "An Act requiring all saloons and places where intoxicating liquors are sold or in any manner dispensed under a license issued under the laws of the State of Montana, to be and remain closed from and after one o'clock A. M. and until six o'clock A. M."

Referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 28, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that notices of introduction of bills were to-day given:

By Frank: A bill for an Act to amend Section 7891, of the Revised Codes of Montana, of 1907, relating to witnesses.

By Kelsey: A bill for an Act entitled, "An Act to appropriate $5000.00 for improvements for the State Reform School."

By Duncan: A bill for an Act to amend Section 6384 of the Revised Codes of Montana, of 1907, relating to the oaths to be taken by attorney's at law on admission to practice."

By Witmer: A bill in relation to the duties of game warden when heads and pelts are confiscated.

By Giovanetti: A bill for an Act appropriating money for certain purpose.

By Werner: A bill for an Act entitled, "An Act to amend Sections 1608, 1609, and 1616 of the Revised Codes of the State of Montana, relating to the regulation and practice of Optometry in the State of Montana."

By Whaley: A bill for an Act to amend Section 2191, Revised Codes of Montana of 1907, and authorizing the State Board of Land Commissioners to invest the permanent school fund, permanent university fund, permanent agricultural college fund, permanent school of mines fund, permanent state normal school fund, permanent reform school fund, and permanent deaf and dumb asylum fund, in any state, county city or school district, securities of this state, or in any bonds issued against the state land grant for buildings at the capitol or in any irrigation district bonds, of the State of Montana.

By McCoy: A bill entitled, "An Act to determine the liability of any company, corporation or individual for damages sustained by any employee thereof, and to declare void contracts restricting such liability."

By Eliel: A bill for an Act to amend Section 9258 of the Revised Codes of Montana of 1907, relating to the challenges of Jurors of criminal actions.

By Wilham: A bill for an Act entitled, "An Act appropriating money to pay for the maintenance, expenses of the Montana School for the deaf, blind, and feeble minded, at Boulder, Montana, for the months of January and February, 1909, and to pay the December, 1908, pay roll, and to settle for certain emergency repairs and improvements owing to defective sanitary conditions of the buildings.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Tooley, seconded by Edwards, Senate resolved itself into a Committee of the Whole, to consider bills on General File, with Meyer in the chair.

On motion of Tooley, bills on General File were considered read at

length, read by title only, and left open for amendment.

Committee arose.

Senate resumed.

President in the chair.

Meyer, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 53, do pass.

S. B. No. 47, do pass.

Respectfully,

MEYER, Chairman.

Third reading of House Bills.

House Bill No. 25 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Daly, Donlan, Fairbanks, Romney.—4.

Title agreed to.

H. B. No. 3, concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Daly, Donlan, Everett, Fairbanks, Muffley, Romney, Long.—7.

Title agreed to.

McCone asked permission to return to the ninth order of business. Granted and notice of introductions of bill was given as follows:

By McCone: A bill for an Act relating to the government, management, control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind, and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263 and 1264, of the Revised Codes of Montana, of 1907.

Everett asked unanimous consent to refer back to the order of business of reports of Standing Committees. Granted and Standing Committee reported as follows:

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Rules, to whom was referred the motion of Senator Long to amend the Rules to provide that all business on General File shall remain on the black board at least one day before being considered: Report having had the same under consideration and recom-

mend that there be added to rule 15 the following:

Provided, that before any bills shall be considered in the Committee of the Whole, the number of same shall have been placed on the black board at least one day and before the adjournment of the Senate of that day.

Respectfully,

EVERETT, Chairman.

On motion of Meyer, seconded by Everett, report adopted and addition ordered made to Rule 15.

On motion of Edwards, seconded by Albright, the Senate adjourned at 11:34 A. M., until 10:30 A. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Twenty-Ninth Day.

Helena, Montana, February 1, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Annin excused.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 1, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 33, 48, 41, 55, and 57, beg leave to report the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 1, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 2, 24, 31, 36, 47, and 53, beg leave to report as follows, that said bills have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by Sanders, report adopted and bills referred to calendar for third reading.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Railroads and Transportation to whom was referred Senate Bill numbered 25 being a bill for an Act entitled, "An Act to regulate the fees or compensation allowed to all state and county officers, jurors, witnesses and others who travel at the public expense,"

beg leave to report and recommend that the same be indefinitely postponed.

Respectfully,

EVERETT, Chairman.

On motion of Albright, seconded by McDonnell, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Railroads and Transportation to whom was referred Senate Bill No. 64, being a bill for an Act entitled, "An Act to amend Section 4308, of the Revised Codes of 1907, relating to the killing of live stock by railway corporations," beg leave to report and recommend that the same do pass.

Respectfully

EVERETT, Chairman.

On motion of Donlan, seconded by Kessler, report adopted and bill referred to Printing Committee.

Mr. President:

Senate Chamber, Helena, Montana, January, 29. 1909.

Your Committee on Judiciary to whom was referred Senate Bill numbered 8, a bill for an Act entitled, "An Act to provide for the appointment of a State Sheriff and prescribing his duties and fixing his compensation," having had the same under consideration, beg leave to report as follows: Respectfully recommend it be indefinitely postponed.

Respectfully,

EDWARDS, Chairman.

On motion of McCone, seconded by Kessler, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 67, a bill for an Act entitled, "An Act to prevent discrimination by surety companies." having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Rae, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 68, a bill for an Act entitled, "An Act enlarging the powers of companies, now or hereafter to be formed under the provisions of an Act entitled, "An Act authorizing the incorporation of endowment, and investment companies approved March 7, 1905, etc.", having had the same under consideration, beg leave

to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Rae, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 56, a bill for an Act entitled, "An Act amending Section 8339, Part I, Title IX, Chap. I, Penal Code, of the Revised Codes of Montana, 1907, relating to the punishment provided for the crime of Rape", having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Donlan, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 71, a bill for an Act entitled, "An Act concerning the payment of deposits in bank in trust," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, January 29, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 47, a bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McDonnell, report adopted and bill referred to General File.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, January 29, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Senate is requested to appoint a committee to act with a like com-

mittee of the House to investigate the affairs of the State Fair Association.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Tooley, request referred to Committee on Fairs and Expositions..

House of Representatives, Helena, Montana, January 29, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bill was to-day introduced, read a first and second time and referred:

By Committee on Affairs of Cities, Sub. H. B. No. 189, for H. B's. Nos. 2 and 102: A Bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same."

Referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 29, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that notices of introduction of bills were to-day given as follows:

By Jacobson: A bill for an Act to amend Sections 2268, 2270, 2271, and 2272, of the Revised Codes of Montana, of 1907, in relation to reclamation of state arid lands.

By Safley: A bill for an Act to amend Section 1770, of the Revised Codes of Montana, of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death.

By Clayberg: A bill for an Act entitled, "An Act to provide for the collection and display of an exhibit of the resources and products of the State of Montana, at the Alaska-Yukon-Pacific Exposition, to be held at Seattle, Washington, 1909, and providing an appropriation therefor."

By Berkin: A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and finance the affairs of State Institutions, defining his duties and fixing his salaries.

By Hunter: A bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana, of 1907, relating to the punishment of an attempt to commit crime."

By Mitchell: A bill for an Act entitled, "An appropriating Five Thousand (5,000) dollars, for the erection of a new dining room in connection with an in addition to the present one at the State Capitol."

By Clayberg: A bill for an Act entitled, "An Act to create and establish a law department in the University of Montana, and to make

an appropriation for the maintenance thereof."

By Woody: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to the salary and compensation of deputy county officers and assistants."

By Berkin: A bill for an Act entitled, "An Act to amend Section 1961, of the Revised Codes of Montana, 1907, authorizing and empowering the State Game and Fish Warden to create additional game and fish districts, and to appoint additional special deputy game wardens."

By Gray: A bill for an Act entitled, "An Act to amend Section 9594 Revised Statutes relating to jury trials."

By Gray: A bill for an Act entitled, "An Act to amend Section 1497 Revised Codes, relating to Health Officer."

By Connelly, Christler, Pierson, and Gray: A bill for an Act entitled "An Act to provide for apportionment of membership and representation of the several counties of the State of Montana in the House of Representatives, of Legislative Assemblies and to fix the number of members thereof."

By Gibson: A bill for an Act to amend Section 6820 of the Revised Codes, relating to signing and entering judgments.

By Gibson: A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from police and justices court.

By Norton: A bill for an Act entitled, "An Act to amend Section 3206 of the Revised Codes of Montana, of 1907, relating to the classification of cities and towns."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor.

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of capitol building grounds maintenance and care."

By Norton: A bill for an Act to amend Section 3238 of the Revised Codes of Montana, of 1907, relating to official bonds of the officers of cities.

By Brewster: A bill for an Act to provide for the gathering and sale of horses, mules, and asses, the ownership of which is uncertain and unknown.

By Norton: A bill for an Act concerning tree planting, and Arbor Day; and to amend Section 1022, of the Revised Codes of Montana, of 1907.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, January 29, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were read first and second times and referred:

By Duncan, H. B. No. 174: A bill for an Act entitled, "An Act to amend Section 6384 of the Revised Codes of Montana, of 1907, (Section 393 of the Code of Civil Procedure) relating to the oath to be taken by attorneys at law on admission to practice.

Referred to Judiciary Committee.

By Whaley, H. B. No. 175: A bill for an Act to amend Section 2197 Revised Codes of Montana, of 1907, an Act authorizing the State Board of Land Commissioners to invest the permanent school fund, permanent university fund, permanent agricultural college fund, permanent school of mines fund, state normal school fund, permanent reform school fund, and permanent deaf and dumb asylum fund in any state, county, city or school district, securities of this state, or in any bonds issued against the state land grant for buildings at the capital, or in any irrigation district in the State of Montana.

Referred to Committee on State Boards and Officers.

By Edgerton, H. B. No. 176: A bill for an Act entitled, "An Act to provide for the Torrens Land Title System."

Referred to Judiciary Committee.

By Eliel, H. B. No. 177: A bill for an Act to amend Section 9258, of the Revised Codes of Montana, of 1907, relating to the challenges of jurors, in criminal actions.

Referred to Judiciary Committee.

By Werner, H. B. No. 178: A bill for an Act entitled, "An Act to amend Section 1608, 1609, 1616, of the Revised Codes of the State of Montana, relating to the regulation and practice of Optometry in the State of Montana."

Referred to Committee on Sanitary Affairs.

By Gray, by request, H. B. No. 179: A bill for an Act entitled, "An Act to provide for the registration and examination of all trained nurses, fixing the number, duties and qualifications, of said Board and providing for nurses, and fixing penalty for the violation of said Act."

Referred to Committee on Sanitary Affairs.

By Giovanetti, H. B. No. 180: A bill for an Act entitled, "An Act appropriating money for the purchase and improvements of grounds for the Montana State School of Mines, located at Butte, Montana."

Referred to Committee on Appropriations.

By Duncan, H. B. No. 181: A bill for an Act entitled, "An Act to amend Section 9258 of the Revised Codes of Montana, of 1907, relating to the challenging of trial jurors in criminal actions."

Referred to Committee on Judiciary.

By Berkin, H. B. No. 182: A bill for an Act to regulate common carriers, and to provide for certain appliances, rules and regulations, looking to the safety to the traveling public and employees upon railway trains, and to confer upon the railway commission of Montana certain powers in relation thereto.

Referred to Committee on Railroads and Transportation.

By Owenhouse, H. B. No. 183: A bill for an Act entitled, "An Act appropriating money for certain buildings and improvements at the Experiment Station at Bozeman, Montana."

Referred to Appropriation Committee.

By Wilham, H. B. No. 184: A bill for an Act entitled, "An Act appropriating money to pay for the maintenance expenses of the Montana School for the deaf, blind, and feeble minded, at Boulder, Montana, for

the months of January and February, 1909, and to pay the December, 1908, pay roll and to settle for certain emergency repairs and improvements owing to defective sanitary conditions of buildings.

Referred to Appropriation Committee.

By Committee on State Lands, H. B. No. 185: A bill for an Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection, and disposition of the timber growing thereon, and the coal, oil, and minerals therein, providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming and providing for certain officers subordinate to the state board of land commissioners, and prescribing their duties and compensation; providing for the acquisition of water rights, for use upon state lands, and defining and providing for the punishment of certain offenses for violating the provisions of this Act.

Referred to Committee on Conservation of Resources.

By O'Donnell, H. B. No. 186: An Act to provide for the selection of a site for the erection of a State Hospital to be located at or near Butte, Silver Bow County, Montana, to be called the "State Hospital for Injured Persons", and to provide for the management of the same.

Referred to Committee on State Institutions.

By Kelsey, H. B. No. 187: A bill for an Act to appropriate Five Thousand Dolars for improvements at the State Reform School.

Referred to Committee on Appropriations.

By Largey, H. B. No. 188: A bill for an Act to provide for a state levy of taxes for the support of the Government of the State of Montana, for the years 1909 and 1910, and to provide for a state levy of taxes for the years 1909 and 1910, for the payment of interests thereon, and to create a sinking fund redemption of bonds issued by the State of Montana.

Referred to Committee on Ways and Means.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read a first and second times and referred.

By Annin, Senate Bill No. 70: A bill for an Act entitled, An Act to amend Section 904 of the Revised Codes of Montana, of 1907, relating to construction of teachers contract with respect to legal holidays.

Referred to Committee on Education.

By Rae, Senate Bill No. 71: A bill for an Act entitled, "An Act concerning the payment of deposits in banks in trust."

Referred to Committee on Judiciary.

Senate Bills Nos. 70 and 71, were introduced Friday January 29th, 1909, and should have appeared in the 26th day of the Journal, but through error was omitted.

By unanimous consent, Rae, McCarthy, and Edwards, were permitted to introduce bills without previous notice.

By Rae, Senate Bill No. 72: A bill for an Act to provide more fully

for the protection of human life and property by reason of the defective construction or maintenance of dams and reservoirs, providing for the inspection thereof by the State Engineer and his expenses with relation thereto.

Referred to Committee on Irrigation and Water Rights.

By McCarthy, Senate Bill No. 73: A bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana of 1907, concerning the investment of the funds of the State Normal School, permanent University Funds, permanent Agricultural College, and permanent School Funds."

Referred to Committee on Public Lands.

By Edwards, Senate Bill No. 74: A bill for an Act entitled, "An Act to provide for the creation and appointment of a commission to determine the reasonable value of the property belonging to the former contractor with the State of Montana for the care, custody and control of the State Prison and Prisoners therein confined, and what property of such contractor should be taken over and purchased by the State."

Referred to Committee on Public Buildings.

By McCarthy, Senate Bill No. 75: A bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station, connected with and a department of the Montana Agricultural College, at Bozeman, Montana."

Referred to Committee on Public Lands.

By McCone, Senate Bill No. 76: A bill for an Act relating to the government, management control and finances of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana State School of Mines, Montana School for the Deaf and Blind, and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263, and 1264, of the Revised Codes of Montana, of 1907.

Referred to Committee on Finance and Claims.

On motion of Rae, seconded by Tooley, H. K. Howrey and Miss Marie Oregor were appointed to serve as clerks to the Committee on Enrolled Bills, said clerks when not occupied with the business of the Enrolling Committee to be at the general service of the Senate.

Notice of the introductions of bills were given as fololws:

By Everett: A bill for an Act entitled, "An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, of 1907, being Sections 370 and 373, Part I, Title IV of the Codes of Civil Procedure of the State of Montana, of 1895, and repealing Sections 6375 of the Revised Codes of Montana, of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana of 1895, relating to stenographers of the district courts, their duties, qualifications and compensations."

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 1, 1909.

Mr. President:

Your Committee on Railroads and Transportation to whom was referred Senate Bill numbered 27, beg leave to report as follows, that they have had Senate Bill No. 27, being a bill for an Act entitled, "An Act requiring any person, railway corporation, or company operating a line of railway in the State of Montana, to equip its locomotive engines with electric head lights of not less than fifteen hundred candle power, without the aid of a reflector or other head lights of not less than fifteen hundred candle power, without the aid of a reflector, and providing a penalty for the violation of this Act," report the same back with the recommendation that it do pass.

Respectfully,

EVERETT, Chairman.

On motion of Sanders, seconded by Albright, report adopted and bill referred to General File.

On motion of Donlan, seconded by McCarthy, the Senate resolved itself into a Committee of the Whole, with

Romney in the chair.

Committee arose.

Senate resumed.

Romney, chairman Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 1, 1909.

Mr. President:

Your Committee of the Whole, to whom was referred the General File of Bills, instruct me to report and recommend that,

H. B. No. 90, be concurred in.

H. B. No. 59, be concurred in.

H. B. No. 36, be concurred in.

H. B. No. 28, be concurred in.

H. B. No. 27, do pass.

Respectfully,

ROMNEY, Chairman.

On motion of Romney, seconded by McCarthy, report adopted and House Bills numbered 90, 59, 36, 28, and Senate Bill No. 27, referred to calander for third reading.

Third reading of Senate Bills.

By unanimous consent, bills considered read at length, read by title only, and placed on final passage.

Senate Bill No. 2, read third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Métcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sykes, Tooley, Truscott.—22

Noes: None.

Absent and not voting: Annin, Daly, Rae, Sanders, Selway,—5.

Title agreed to.

Senate Bill No. 24, read third time, and passed by the following

vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25

Noes: None.

Absent and not voting: Annin, Daly.—2.

Title agreed to.

S. B. No. 31, read a third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer. Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25

Noes: None.

Absent and not voting: Annin, Daly.—2.

Title agreed to.

S. B. No. 47, read a third time and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25

Noes: None.

Absent and not voting: Annin, Daly.—2.

Title agreed to.

S. B. No. 53, read a third time and passed by the following vote:

Ayes: Albright, Cardwell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Sykes, Tooley, Truscott.—19.

Noes: Cockrell, Long, Rae, Selway.—4.

Absent and not voting: Annin, Daly, Haviland, Kessler.—4.

Title agreed to.

On motion of Rae, seconded by Sanders, by unanimous consent, Senate Bill No. 27 was considered re-engrossed, and placed on calendar for third reading.

S. B. No. 37, read a third time, and passed by the following vote:

Ayes: Albright, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Annin, Daly, Donlan, Kessler.—4.

Title agreed to.

On motion of Meyer, seconded by Albright, Senate Bill No. 36, was taken from third reading and re-referred to General File.

The following communications from the House were received and read.

House of Representatives, Helena, Montana, February 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that

House Bills numbered 80, 31, 38 and 40, have to-day passed the House and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 28 has to-day been concurred in and is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Senate Bill No. 28, referred to Enrolling Committee.

On motion of Donlan, seconded by Albright, at 12:25 P. M. the Senate adjourned until 1:30 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirtieth Day.

Helena, Montana, Febuary 2, 1909.

Senate convened at 1:30 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

The President announced that he was about to sign House Bill numbered 25, and same was signed in open session.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Libraries, to whom was referred Senate Bill numbered 22, being an Act entitled, "An Act to create and establish a legislative reference bureau, designating its members, defining its duties and powers, providing for assistant librarians in connection therewith, and fixing their salaries."

We recommend that the bill be amended as follows: First, by striking out in line 51, the last word "and" therein. Second, by striking out in line 52, the word "fifty" therein. Third, by striking out all of Section IV, after the word "but" in line 56 therein. Fourth, also by adding after line 110, in Section XXI, the following "provided that the entire number of assistant librarians employed in the Historical and Miscellaneous Library including the one herein provided for shall not be more than two", as amended we recommend that the bill be placed on General File.

Respectfully,

CONROW, Chairman.

On motion of McCarthy, seconded by Donlan, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill No. 26, being a bill for an Act entitled, "An Act to amend Section 876 Revised Codes of Montana, 1907, relating to the transfer of school moneys from one school district to another", beg leave to report as follows: Recommend that Section 1 of said bill be amended by adding thereto the following: "But no such transfer of school money shall be made if the District from which such money is sought to be transferred has made a special levy of at least three mills and with the aid of such special levy is unable to maintain at least a four months term of school for lack of sufficient funds," and that as so amended the bill do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Annin, seconded by Donlan, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Public Morals, having had under consideration Senate Bill numbered 34, being an Act prohibiting marriage between white persons and negroes, and persons of negro blood and between white persons, Chinese and Japanese and making such marriage void and prescribing punishment for solemnizing such marriage, said bill having been introduced by Muffley, recommend that said bill do pass.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by McCarthy, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Insurance to whom was referred House Bill number 79, a bill for an Act entitled, "An Act to amend Sections 4019, and 4023 of the Revised Codes of Montana of 1907, relating to licenses of Insurance Companies and Agents," having had the same under consideration, beg leave to report as follows, recommend that it be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Albright, seconded by Rae, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Insurance to whom was referred House Bill No. 76, a bill for an Act entitled, "An Act to provide for an examination by the Commisisoner of Insurance of all Insurance Companies, including Surety Companies organized under the laws of this state or organized under the laws of any other state, or territory or foreign country, and to provide for the payment of expenses incurred in making such examinations, and to provide for publishing the result of such examination,

and relating to the revocation of licenses, and to provide penalties for violation of the provisions of this Act, and to repeal Sections 4065, 4068, 4071, 4128, and 4129 of the Revised Codes of Montana, of 1907," having had the same under consideration, beg leave to report as follows: Recommend that it be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Albright, seconded by Annin, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Counties, Towns, and Municipal Corporations to whom was referred Senate Bill numbered 58, a bill for an Act entitled, "An Act to establish a system of examination for master and journeymen plumbers, fixing the fees to be charged for licenses, and the disposition of the fund thus created; and providing penalties for the violation of the provisions of this Act"; beg leave to report as follows: that we have had same under consideration and recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by Kessler, report adopted and Bill referred to Printing Comimttee.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred Senate Bill number 59, introduced by the Public Lands Committee, "A bill for an Act entitled, An Act providing for the management and control of the lands now owned by or hereafter to be acquired by the State of Montana, including the sale and rental thereof, and the management, protection, and disposition of the timber growing thereon, and the coal, oil, and minerals therein, Providing for the management and control of the funds realized from the sale and rental of state lands and the products thereof; naming and providing for certain officers, subordinate to the State Board of Land Commissioners, and prescribing their duties and compensation; providing for the acquisition of water rights for use upon state lands; and defining and providing for the punishment of certain offenses for violating the provisions of this Act." respectfully submit the following amendments, and, as amended recommend that the same do pass.

Amend Section 28, by striking out after the words "and withdrawn from sale", the following words, the words "and agricultural and grazing leasing."

Amend Section 32, by changing the word "may" to "shall" after the words "right of way ", and after the words "a public highway across the same", insert the following: "Provided that the right of way must always follow Sectional or Sub-divisional lines, if physically practicable."

Amend Section 39, by adding after the words "for sale and sold" the following words: "all sales shall be held at the Court House in the county in which the same is held", and the remaining part of this Section.

after the words "sale and sold", is to be striken out.

Amend Section 40 by striking out all of the Section after the words "to be offered".

Amend Section 44, by striking out all of the Section and re-numbering the following Sections:

Amend Section 46 by changing the word "Fifty" to the word "seventy-five" where it appears after the words "and the land shall be purchased by any other person than such lessee".

Amend Section 55 by striking out after the words "permitted to be cut", the following words: "except lodge poles, pine, and bull pine", and also strike out all words in said Section after the words "as a protection to a water shed".

Amend Section 59 by striking out the words "or the state forester" after the words "from the State Land Agent."

Amend Section 70 by changing the words "deceased", after the words "that the former valuation shall not be", to the words "decreased".

Amend Section 72 by inserting the words "merchantable" after the word "of" and before the word "coal"; also after the words "for in the terms of the lease", strike out all the remianing section and insert in lieu thereof the following: "He shall notwithstanding such failure, pay to the state the minimum rental provided for in said lease. Should any person apply to lease any of the coal lands belonging to the state, upon which there are surface or underground improvements placed or made by former leasee, before a lease shall issue, said applicant shall file in the office of the Register, a receipt showing that the price of said improvements, as agreed upon by the parties, or fixed by the State Land Agent, or one of his Assistants, has been paid to the owner thereof in full, or shall make satisfactory proof that he has tendered to such owner the price of such surface or underground improvements so agreed upon or fixed; or proof that the owner of such improvements elects to remove them."

Amend Section 73 by changing the word "state" to the word "stated" where it appears after the words "on the date".

Amend Section 74 by inserting the word "or" between the words "coal" and "oil", and after the word "oil" strike out the words "or stone."

After Section 74 insert a new Section as follows:

"Section No. LANDS VALUABLE FOR STONE: Whenever it shall appear to the State Board of Land Commissioners that there is a deposit of stone valuable for building, mining, or other commercial purposes, upon any section or sub-division of State Land, the board shall not lease the same for any purpose except for the extraction and the working of all the stone and then upon a royalty basis only, upon such terms as the board shall prescribe. The board may lease the remainder of the section or sub-division for agricultural, grazing, or other purposes, as may appear for the best interests of the state, as other state lands are leased but shall provide in all such cases for a right of way across said state lands or any adjoining state lands, for all purposes connected with the working and disposition of the same.'

Strike out all of Section 83.

Amend Section 88, by changing the compound word "in-tact" to "intact", and strike out after the words "for which the said lands were granted" all the remainder of the Section.

Amend Section 95 by striking out after the words "shall designate the particular fund out of which said expenses shall be paid", the remainder of the Section and insert in lieu thereof the following words: "Provided that no money shall be expended for the benefit of any lands other than those in the land grant from which the particular income fund has been derived."

Amend Section 105, by changing the word "inter" after the words "or in any manner occupy or" to the word "enter".

Penalty.

Section . Any officer or employee of the State of Montana, guilty of a violation of any of the provisions of this Act is hereby declared guilty of a felony, and shall be punished by imprisonment in the state prison for a term not exceeding ten years or by a fine not exceeding five thousand dollars, or by both fine and imprisonment.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by Sanders, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana February 2, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have been read first and second times and referred:

By Connelly, H. J. M. No. 4: In reference to opening Crow Reservation.

Referred to Committee on State Lands.

By Gray, H. B. No. 190: A bill for an Act entitled, "An Act to amend Section 1346 of the Revised Statutes of Montana, of 1907, relating to taxes for road purposes."

Referred to Committee on Highways.

By Christler, H. B. No. 91: A bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of the state wide publicity bureau for the State of Montana; to prescribe the selection, powers and duties, of the Commissioner of Publicity; to provide for the exposition, maintenance and supervision of a public bureau, or bureaus of exhibition of the resources, progress and development of Montana, and to make an appropriation therefor."

Referred to Committee on Improvement and Publicity.

By Gray, by request, H. B. No. 192: A bill for an Act entitled, "An Act to amend Section 9594 of the Revised Codes of Montana, 1907, relating to jury trials."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 193: A bill for an Act entitled, "An Act to create and establish a law school, to be conducted and operated as

a department of the University of Montana, and to make and appropriation therefor.

Referred to Committee on Appropriations.

By Clayberg, H. B. No. 194: A bill for an Act entitled, "An Act to provide for the collection and display of an exhibition of the resources and product of the State of Montana, at the Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in 1909, and providing for an appropriation therefor.

Referred to Committee on Appropriations.

By Hunter, H. B. No. 195: A bill for an Act entitled, "An Act to amend Section 8895 of the Revised Codes of Montana, of 1907, relating to the punishment of attempt to commit crime."

Referred to Judiciary Committee.

By Gibson, H. B. No. 196: A bill for an Act to amend Section 6800 of the Revised Codes relating to the signing and entering judgments."

Referred to Judiciary Committee.

By Gibson, H. B. No. 197: A bill for an Act to amend Section 7121 of the Revised Codes, relating to appeals from police justices courts."

Referred to Judiciary Committee.

By Safley, H. B. No. 198: A bill for an Act to amend Section 1770, of the Revised Codes of Montana, 1907, relating to the burial of dead bodies, and prescribing the duties of the attending physician in making certificates of the cause of death."

Referred to Committee on Sanitary Affairs.

By Edgerton, H. B. No. 199: A bill for an Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination of pupils and teachers attending or emplyed at any school in the State of Montana by legally qualified physicians and surgeons to be desiganted and paid out of the General Funds, by the Board of County Commissioners of each County. The designation of such physician and surgeon to be approved by the officers of the State Board of Health."

Referred to Committee on Sanitary Affairs.

By Brewster, H. B. No. 200: A bill for an Act to provide for the gathering and sale of horses, mules, asses, the ownership of which is uncertain and unknown.

Referred to Committee on Live Stock and Public Ranges.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 2, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of introduction were to-day given:

By Wilham: A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over."

By Hunter: A bill for an Act to amend Section 2601 of the Revised Codes of the State of Montana, relating to personality.

By Norton: A bill for an Act to amend Section 3223 of the Revised Codes of Montana, of 1907, relating to division of cities into wards and

change of boundaries.

By Duncan: A bill for an Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any Orphans' Home or Asylum.

By Norton: A bill for an Act to amend Section 3225 of the Revised Codes of Montana, of 1907, relating to the qualifications of Mayors of cities.

By Ward: A bill for an Act entitled, "An Act to amend Sections 3318, 3321, and 3324 of the Revised Statutes of Montana, of 1907, relating to the foundation of a Board of Park Commissioners for cities of the first class."

By Gray: A bill for an Act entitled, "An Act to require all butter manufactured by any creamery and sold in packages to show thereon the amount of butter in such packages."

By Gray: A bill for an Act entitled, "An Act to provide for the division of various counties into Commissioners Districts."

By Clayberg: A bill for an Act entitled, "An Act to amend Section 6813 and to repeal Section 6818 of the Revised Codes of Montana, of 1907, relating to executions."

By Thompson: A bill for an Act prohibiting the abandonment of sheep of herders and others, and fixing penalties therefor.

By Brewster: A bill for an Act entitled, "An Act to prohibit the mining production or sale of coal for commercial purposes by railroad or transportation companies."

By Cummings of Chouteau: A Joint Resolution on Water Ways.

By Arnett: A bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain, and manner of enforcement.

By Cummings of Chouteau: A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of old Fort Benton."

By Brewster: A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coals, and to provide for payment for loss of coal in transit."

By Hutchinson: A bill for an Act entitled, "An Act concerning railroads and to better protect the lives of railway employees and the traveling public, and providing penalties for the violation thereof."

By MacGinniss: A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana, of 1907, relating to the method of changing place of business and number of directors by corporations organized under the laws of Montana."

By Lowney: A bill for an Act to amend Section 3232 of the Revised Codes of Montana, of 1907, relating to judges and clerks of election, voting precincts and election precincts within."

By Derry: A bill for an Act to authorize public administrators to require statements from persons and corporations having in their possession or control money, or other personal property, belonging to deceased persons and to collect the same and summarily settle estates

where the value thereof is less than two hundred dollars.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were introduced, read first and second times and referred.

By unanimous consent Rae, Romney and Tooley were granted permission to introduce bills without previous notice.

By Rae, Senate Bill No. 77: A bill for an Act entitled, "An Act requiring directors of corporations to file acceptance of office, and to amend Section 3835, of the Revised Codes of Montana, of 1907, relating to the election of directors."

Referred to Committee on Judiciary.

By Tooley, Senate Bill No. 78: A bill for an Act entitled, "An Act to amend Sections 9611 of the Revised Codes of Montana, 1907, relating to criminal judgments in justice and police courts."

Referred to Committee on Judiciary.

By Romney, Senate Bill No. 79: A bill for an Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever.

Referred to Committee on Finance and Claims.

By Rae, Senate Bill No. 80: A bill for an Act entitled, "An Act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital or insolvency of banks, and duties of state examiners.

Referred to Committee on Judiciary.

By Donlan, by request, Senate Bill No. 81: A bill for an Act entitled, "An Act to secure liens to mechanics, laborers, horseshoers, and wagon builders and repairers."

Referred to Committee on Agriculture and Manufactures.

The following House Bills were read first and second times and referred:

By Lehrkind, H. B. No. 80: A bill for an Act entitled, "An Act to provide that State Auditor shall also be designated as Commisisoner of Insurance Ex-Officio, and to provide for appointment of a Deputy State Auditor, who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an Actuary."

Referred to Insurance Committee.

By Wood, H. B. No. 40: A bill for an Act entitled, "An Act to amend Sections 2054 and 2055 of the Revised Codes of Montana, of 1907, relating to the letting of contracts by County Commissioners for the care, support and maintenance of the county poor."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Duncan, H. B. No. 38: A bill for an Act entitled, "An Act amending Sections 4871 and 4872 of the Revised Codes of Montana, 1907, and being Sections 4 and 5 of Chapter 185 of the Session Laws of 1907, approved March 9, 1908, relating to the appropriation of water,

and providing the manner in which water may be appropriated and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines."

Referred to Committee on Irrigation and Water Rights.

By Norton, H. B. No. 31: A bill for an Act entitled, "An Act to declare and make the twelfth day of October of each and every year a public holiday to be known as Columbus Day."

Referred to Committee on Education.

By McCarthy, Senate Joint Resolution No. 3: Requesting that the President appoint a committee of three to act with a like committee of the House to meet the Honorable J. Frank Hanley upon his arrival in the City of Helena, and extend to him an invitation to address the joint Legislative Assembly at such time as may meet his pleasure.

On motion of McCarthy, seconded by Donlan, resolution adopted and the President appointed McCarthy, Meyer and Long as committee to meet the Honorable J. Frank Hanley.

Notices of the introduction of bills were given this day as follows:

By Sykes: A bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of the State of Montana, relating to the foreclosure of chattle mortgages."

By Everett: A bill for an Act entitled, "An Act providing for the submission to the qualified electors of Montana of an amendment to Section 3 of Article XII of the Constitution, relating to the taxation of mines and mining claims.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Fairs and Expositions, to whom was referred the request from the House to appoint a Committee from the Senate to act with a like committee from the House to investigate the affairs of the State Fair Association, beg leave to report and recommend that the President appoint such committee.

Respectfully,

HAVILAND, Chairman.

On motion of Romney, seconded by McCarthy, report adopted and President appointed Romney, Fairbanks, McDonnell, Conrow and Rae as such committee.

On motion of Donlan seconded by Tooley the Senate resolved itself into a Committee of the Whole for the consideration of the General File of Bills, with Rae in the chair.

Committee arose.

Senate resumed.

President in the chair.

Rae, chairman of the Committee of the Whole, reported as follows, that:

S. B. No. 33 do pass.

S. B. No. 48 do pass.

S. B. No. 41 do pass.

S. B. No. 55 do pass.

S. B. No. 57 be amended in the title by striking out the word "and" after the word "speed" and inserting in lieu thereof the word "or"; also amend Section 1 by striking out in line 5 the words "within or"; also amend Section 9 by inserting in line 63 after the word "person" the words "corporation or association of persons"; also amend Section 9 by inserting in line 64 after the words "thereof or" the words "any persons, corporation or association of persons who shall violate any of the provisions, and as so amended the bill do pass.

S. B. No. 36 be amended in the title by striking out the words, "State banks, trust companies, and building and loan associations," and substituting therefor the words "corporations whose reports are otherwise provided for by law"; also amend Section 1 by striking out of the third and fourth lines of said section the words "Banks, Trust Companies, and Building and Loan Associations," and substituting therefor the words "those whose reports are otherwise provided for by law," and that as so amended the bill do pass.

The amended title of Senate Bill No. 36 shall read as follows: "A bill for an Act to amend Section 3850, Revised Codes of Montana, 1907, relating to annual reports of corporations, and exempting corporations whose reports are otherwise provided for by law.

H. B. No. 56 be concurred in.

Respectfully,

RAE, Chairman.

On motion of McCone, seconded by Rae, report adopted and Senate bills numbered 33, 48, 41, 55, 57 and 36 referred to Engrossing Committee.

House Bill No. 56 refered to Calendar for Third Reading.

On motion of Long duly seconded House Bill No. 47 was taken from General File and re-referred to Judiciary Committee.

The following bills were read a third time and passed:

House Bill No. 59 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—26.

Noes: None.

Absent and not voting: Selway.—1.

Title agreed to.

House Bill No. 36 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Trustcott.—26.

Noes: None.

Absent and not voting: Selway.—1.

Title agreed to.

House Bill No. 28 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Tooley.—22.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Selway, Sykes, Truscott.—5.

Title agreed to.

House Bill No. 90 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Meyer, Fairbanks, Haviland, Kessler, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Romney, Sanders.—20.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Muffley, Selway, Sykes, Tooley, Truscott.—7.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 28, beg leave to report as follows: The same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted, and the President announced that he was about to sign Senate Bill No. 28, and signed same in open session.

On motion of Donlan, seconded by Fairbanks the Senate at 3:40 P. M. adjourned until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-First Day.

Helena, Montana, February 3, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 23, 62, 60 and 66, beg leave to report the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 49, a bill for an Act entitled, "An Act to amend Section 2645 of the Revised Codes of Montana, of 1907, relating to tax deeds and fix the limit of time in which actions to set aside or annul tax deeds may be brought." Having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, seconded by Rae, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Counties, Towns, and Municipal Corporations, to whom was referred Senate Bill No. 38, a bill for an Act to amend Sections 3259, 3278, 3283, 3285, 3288, and 3289, of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana of the compilation of 1907, An Act to amend Sections 3259, 3278, 3283, 3285, 3288, and 3289 of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana, of the compilation of 1907, beg leave to report as follows: That we have had same under consideration and recommend that the same be amended by striking out in sub-division 3, of Section 3259, the word "professions" wherever it appears, by amending sub-division 19 of Section 3259 by striking out the words "within three miles thereof" wherever it appears, by amending sub-division 86 of Section 3259, by inserting after the words, "of the city counsel" shall be submitted to the qualified electors", by amending Section 3278 by striking out the words "qualified electors", and inserting in lieu thereof the words "the resident tax payers", and as amended that the bill do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Mines and Mining to whom was referred Senate Bill numbered 54, a bill for an Act entitled, "An Act to determine the liability of persons or corporations operating mines, smelters, or mills in this state for damages sustained by employees thereof, and to declare void contracts, restricting liability", having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do not pass.

Respectfully,

DALY, Chairman.

On motion of Daly, seconded by Albright, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Mines and Mining to whom was referred Senate Bill numbered 50, entitled, "An Act to amend Section 1680, and 1682 of the Revised Codes of Montana, of 1907, relating to the powers and duties of the State Coal Mine Inspector, beg leave to report as follows: Recommend that Section 2, of said bill be stricken out, that Section 3 be numbered Section 2, and Section 4 be numbered Section 3, and that the title of said bill be amended by striking out the final "s" from the word "sections", and the words and numbers "and 1682", and that as thus amended the bill do pass."

Respectfully,

DALY, Chairman.

On motion of Albright, seconded by Donlan, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 78, a bill for an Act entitled, "An Act to amend Section 9611 of the Revised Codes of Montana, of 1907, relating to criminal judgments in Justice of Police Courts," having had the same under consideraton beg leave to report as follows: Respectfully recommend that after the word "fine" in line 10 the words "and costs" be added, and that as so amended the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Public Buildings, to whom was referred Senate Bill numbered 74, a bill for an Act entitled, "An Act to provide for the creation and appointment of a commission to determine the reasonable value of the property belonging to the former contractors, with the State of Montana, for the care, custody and control, of the state prison and prisoners, therein confined, and what property of such contractors should be taken over and purchased by the state", having had the same under consideration, beg leave to report as follows: Recommend that Section 8 of said bill be amended by inserting after the word "authority" in the second line of said Section, the words "and it shall be their duty", and by inserting after the word "authority" in the seventh line of said section, the words "and it shall be their duty", and that as so amended recommend that the bill do pass.

Respectfully,

METCALF, Chairman.

On motion of Metcalf, seconded by Annin, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 57, 55, 48, 33, and 36, beg leave to report as follows, that same have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and Bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 2, 1909.

Mr. President:

Your Committee on Mines and Mining, to whom was referred Senate Bill numbered 51, being an Act entitled, "An Act to create a Board of Examiners, for examining applicants for the position of Coal Mine Inspector of the State of Montana, and prescribing the qualifications of applicants, and prescribing the rights and duties and fixing the compensation of such board of examiners, and the manner of appointing said Coal Mine Inspector, of the State of Montana, beg leave to report and recommend that the said bill be amended to read as follows: in the sub-joined.

Senate Bill No. 51.
Introduced by Meyer.
January 1, 1909.

A bill for an Act entitled, "An Act to create a Board of Examiners for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribe the qualifications of applicants and prescribing the rights and duties and fixing the compensation of such board of examiners, and the manner of appointing said Coal Mine Inspector of the State of Montana."

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1: From and after a period of two months, subsequent to the date of the passage and the approval of this Act, the Governor shall upon the recommendation of the coal miners of this state appoint one practical coal miner actively employed in coal mining in the State of Montana, and one mine manager, or superintendent, who shall be recommended to the Governor by the majority of the coal mine operators of the State of Montana, and one practical coal mining engineer; the three so named by the Governor shall constitute a Board of Examiners, to pass upon the qualifications of applicants for coal mine inspector for the State of Montana.

Section 2. It shall be the duty of said board to examine into the qualifications of all applicants for appointment to the position of coal mine inspector of the State of Montana, by conducting a thorough examination as to the knowledge of mine working, ventelation, gasses fire damp, machinery, and actual experience in the underground coal mining, and to acquaint themselves with the person, character, habits and general worthiness of each applicant. The general examination shall be in writing, and manuscript and other paper of all applicants together with the tally sheets and the solution of each question as given by the examining board shall be filed with the Secretary of the State

as public documents, but such applicants shall undergo an oral examination pretaining to explosive gases and safety lamps, all candidates shall be allowed the use of such text books as are proper during the examination. The Board of Examiners shall confine the examination of applicants to questions as designated in Section 2 of this Act. No person shall be certified as competent whose average percentage shall be less than 75 per centum, and certificate shall show what per cent the applicant has obtained, and such certificates shall be valid only when signed by a majority number of the examining board. Examining Board shall immediately after the examination furnish to each person who came before it to be examined a copy of all questions, whether oral or written, which was given at the examination on printed slips of paper, to be marked, solved right, imperfect or wrong, as the case may be, together with a certificate of competency to each candidate, who shall have made at least 75 per centum.

Section 3. Applications for examination for coal mine inspector to said Board must be made in writing and accompanied by an affidavit showing that the applicant is a citizen of the United States, a resident of the State of Montana, and that he has obtained the age of thirty years, has had at least ten years experience, in underground coal mining in the United States, and at least one years experience in underground coal mining in the State of Montana.

Section 4. The Board of Examiners shall file with the Governor the names of all persons, who shall have successfully passed the examination. From those so named, the governor shall select one person, to be State Coal Mine Inspector, provided that any one, who has served capably as State Coal Mine Inspector for one term upon making written application to the board, setting forth these facts shall be certified to the Governor as properly qualified for appointment, but no man shall be elligible for the appointment as State Coal Mine Inspector, who has any pecuniary interest in any coal mine either as owner or employer.

Section 5. As often as vacancies occur in the office of Coal Mine Inspector, caused either by death, resignation, or removal for malfeasance or as provided for in Section 12 of this Act, creating the office of coal mine inspector, or as otherwise determined as with other officers of the state. The governor shall fill the same by appointment for the unexpired term by selecting a person whose name is one file in his office, as provided for in Section 4, of this Act.

Section 6. The Board of Examiners first appointed under the provisions of this Act shall meet in the city of Helena, in the office of the State Coal Mine Inspector on the 20th day of June, 1909, at which time and place they shall proceed to organize themselves and shall take the following oath of office before some person duly authorized by law to administer an oath. We do solemnly swear (or affirm) that we will perform the duties, devolving upon us to the best of our ability, and that in rejecting or recommending applicants for the position of Coal Mine Inspector of the State of Montana, we will be governed by the evidence of qualification to fill the position under the law creating the same, and not by any consideration of political affiliation or personal favors;

that we will certify all whom we may find qualified and who shall have the required examination according to the Act and none other, to the best of our knowledge and judgment, "The second meeting of said board for the purpose of examining applicants for the position of State Coal Mine Inspector shall be held on the third Monday in January, 1911, in the City of Helena, at the State Capitol, in the office of the State Coal Mine Inspector and on the second Monday in January, every two years thereafter. The Secretary of State shall furnish whatever blanks, blank books, printing or stationery, the board may require in the discharge of its duites. Public notice shall be given by the Board of Examiners through the posting of notices in the Post Office in the several coal mining towns throughout the state at least fifteen days previous to the date of examination, and by publication in at least two daily papers published in the City of Helena, for ten consecutive days previous to the holding of the examination.

Section 7. The board shall then proceed to the examination of those who may present themselves, as candidates for said office, and who shall have complied with the requirements necessary to entitle such applicant to be examined as provided for in Section 3, of this Act, and after a thorough examination as to knowledge and qualification of said applicants, then the said Board of Examiners, shall certify to the Governor the names of all such applicants, who have passed a required examination, for the position of Coal Mine Inspector, as required under the provisions of the law.

Section 8. The Board of Examiners shall receive Six Dollars (6) per diem for the time actually engaged in the performance of the duties imposed upon them by this Act, and their actual expenses, such compensation to be paid out of the General Fund in the manner provided by law.

Section 9. The Governor shall, from the names certified to by the said Board of Examiners, appoint a Coal Mine Inspector for the State of Montana, who shall hold office for the period of time as required by the laws creating such office.

Section 10. Four years after January 1, 1909, and every four years thereafter, the Governor shall appoint a Board of Examiners, to pass upon qualifications of applicants for Coal Mine Inspector, which shall be constituted, sworn and paid, and shall perform the same duties as the Board provided for in Section one (1) of this Act, during the term for which they were appointed, and from the names certified to by them, the Governor shall appoint a Coal Mine Inspector for the State of Montana as herein provided for.

Section 11. Nothing in this Act shall be construed as preventing the re-appointment of any coal mine inspector who shall have successfully passed the required examinaiton and qualified as herein before provided for.

Section 12. Each successive board of examiners, shall have the power to adopt their own rules for examination as will best serve the purpose of this Act; said rules not to conflict with the manner of examination as prescribed in Section 2, of this Act.

Section 13. Vacancies upon the said board of examiners, shall be filled by the Governor.

Section 14. Sufficient money to defray the expense of the board is hereby appropriated.

Section 15. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Section 16. This Act shall be in full force and effect from and after its passage and approval by the Governor."

And as so amended that the bill do pass.

Respectfully,

DALY, Chairman.

On motion of Meyer, duly seconded, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Mines and Mining, to whom was referred Senate Bill numbered 52 being a bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office and providing salaries of said Board, beg leave to report as follows: Recommend that said bill be amended to read as follows: in the sub-joined,

Senate Bill No. 52.

Introduced by Meyer.

A bill for an Act entitled, "An Act to provide for the appointment of Boards of Examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office and providing for the salaries of such boards.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. On the petition of the State Coal Mine Inspector, the judge of the district court in any county where coal is mined, shall appoint an examining board of three persons, consisting of the State Coal Mine Inspector, a miner or an operator or a superintendent, and the members of said examining board shall be citizens of the United States and legal residents of the State of Montana, and shall hold office for the term of two years, or until their successors have been appointed and qualified. The persons so appointed shall after being duly organized, take and subschibe before an officer, authorized to administer the same, the following oath; namely: "We, the undersigned do solemnly swear (or affirm), that we will perform the duties of examiners of applicants for the position of mine foreman, mine examiner, or (fire boss) for the coal mines of Montana to the best of our abilities, and that in certifying or rejecting said applicant we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other."

Section 2. The examination shall consist of oral and written questions, theoretical and practical mining, on the nature and properties obnoxious, poisiones, and explosive gases found in the mines, and on

the different systems of working and ventilating coal mines. During the progress of the examination, the use of text books shall be allowed applicants during the examination, and the board shall issue to those examined and found to posess requisite qualifications, certificates of competency for the position of mine foreman, mine examiner or fire boss; but such certificates shall be granted only to persons of twenty-three (23) years of age or over, good moral character, citizens of the United States and residents of the State of Montana, and with at least five years practical experience in the working of coal mines. All papers and blanks, blank books and stationery used at the examination, to be furnished by the Board and each candidate for examination shall be given such questions, as are required in writing and each question shall be on a separate paper. Candidates must return such papers to the Board, with answer to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the County Clerk and Recorder, in and for the county where such examinations are held, and kept by him in some secure place, subject to examination any time.

Section 3. Certificates of qualification to mine foreman in the coal mines of Montana, shall be granted to each applicant by the board of examiners herein provided for, who have passed a successful examination as to his knowledge of mine workings, ventilation, gases, fire damp, and as to his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State Coal Mine Inspector, who shall keep a record in his department of all such certificates granted. Each certificate shall contain the full name and age and birth place of applicant and also the length or nature of his previous service in coal mines.

Section 4. Persons seeking certificates of competency as mine examiners (or fire boss) must produce evidence satisfactory to the board that they are citizens of the United States, residents of the State of Montana, have had at least five (5) years practical experience in the working of coal mines at least twenty-three (23) years of age, and of good repute and temperate habits. They must prepare to submit to and satisfactorily pass an examination as to their experience, in mines, generating dangerous and explosive gasses, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, and the structure and use of the safety lamp.

Section 5. The said Board of Examiners, shall meet at the call of the State Coal Mine Inspector and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of mine foreman as above classified or mine examiner or fire boss, and such certificates shall be sufficient evidence of the holders competency for the duties of said position so far as relates to the purpose of this Act: provided, that any person who shall have been employed as mine foreman, continually for a period of one year preceeding the approval of this Act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but he shall not be employed by any other person, firm or corporation, without having successfully

undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five per centum and such certificates shall designate the position qualified for and shall be valid only when signed by a majority of the examining board.

Section 6. The board may exercise its descretion in issuing certificates of any class, without examination, to persons presenting with proper credentials, certificates issued by competent authorities in this or other states, provided, however, that for every such certificate issued, the board shall charge a fee of Five Dollars (5).

Section 7. An Applicant for examination for any certificate herein provided for, before being examined shall register his name with the State Coal Mine Inspector, and file with him the credentials required by this Act, to-wit: An affidavit as to all the matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character, and temperate habits, signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate before receiving the examination shall pay to the State Coal Mine Inspector the sum of two ($2.00) dollars as an examination fee and those who pass the examination for which they are entered before receiving their certificates shall also pay to the State Coal Mine Inspector the further sum of three ($3.00) dollars each as a certificate fee. All such fees shall be duly accounted for by the State Coal Mine Inspector, and turned into the State Treasurer at the close of the fiscal year.

Section 8. The members of the examining board, except the State Coal Mine Inspector, shall receive as a compensation the sum of five ($5.00) dollars each day, for a term not exceeding five days in any year and whatever sum is necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the board shall be paid upon vouchers duly sworn to by each member of the said board and approved and ordered by the State Board of Examiners, and the State Auditor is hereby authorized to draw his warrants on the State Treasurer for the amount thus shown to be due, payable out of any money in the State Treasury not otherwise appropriated.

Section 9. (a): Any person who acts in the capacity of mine foreman, mine examiner or fire boss without a certificate of competency, as provided in this Act, shall be deemed guilty of an offense against this Act and shall be liable to a penalty of not exceeding five dollars for every day during which he shall act in such capacity, provided, however, the state Coal Mine Inspector shall have the power to grant permits to persons to perform the duty of mine foreman, mine examiner or fire boss as provided for in this Act, who may be employed by any company, corporation, association, person or persons, engaged in operating any coal mines in the State of Montana until such time as the person so employed has had an opportunity to be examined as to his competency by the Board of Examiners, provided for in this Act, but no longer.

(b). Every company, corporation, association, person or persons, operating any coal mine or coal mines, in the State of Montana, who

employs any uncertified mine foreman, examiner or fire boss, except as provided for in Section ( ) of this Act shall be deemed guilty of a misdemeanor, and shall be liable to a penalty not exceeding twenty-five dollars for every day which they so employ such uncertified mine foreman, mine examiner or fire boss. Provided, that in case of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of 30 days, without violating this Act or incurring any of its penalties.

Section 10. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 11. This Act shall be in full force and effect after its passage and approval by the Governor." And as so amended that the bill do pass.

Respectfully,

DALY, Chairman.

On motion of Donlan, seconded by Meyer, report adopted and bill referred to Printing Committee.

Foot note: Senate Bills numbered 51 and 52, the amendments to these two bills not being segregated, have been transcribed in full in the Journal.

Helena, Montana, February 3, 1909.

Mr. President:

The Joint Committee appointed by the House and Senate to investigate the condition of the State Orphans' Home, at Twin Bridges, have performed their duty and herewith submit a report:

We find that there is necessity for quite extensive improvements mostly in the way of completing work already begun.

Your Committee found the floors, in a great many instances, in bad condition having been of soft wood originally are about worn out, and we believe that hard wood and cement floors to replace the worn ones, would be a matter of economy to the state.

The new nursery building, also the building originally used as a nursery require improvements in the way of completing, partitions, floors, etc.

The furniture in all the buildings seems inadequate, a greater portion of it having been in service since the institution was founded, and we believe there is necessity for considerable expenditure along that line.

The bath and heating fixtures were never completed in the cottages, and there is yet need for considerable expenditure in connction with the plumbing which has already been partly completed.

We believe that the hot water for all the buildings should be supplied directly from the furnace room instead of being heated in tanks from the different buildings, provided that this could be done without too much expense at this time.

The present cow sheds are inadequate and the committee recommend the building of suitable cow barns, also repairing of water tanks to provide for fire protection. We recommend that all buildings be supplied with fire escapes.

The school building and assembly room, at the present time, is heated with stoves, which of course is undesirable, and it might be necessary to establish an independent heating plant for that building. However, if the plant for the other building could be utilized to heat the school house it would be a matter of economy in the long run.

All cottages should be connected with the main building by four foot cement side walks. There should be a six foot cement walk from the main building to the street, also from the school house to the street, also a heavy plank walk connecting these two walks across the street.

The fences while answering the purpose are not very satisfactory, and should be replaced with more appropriate ones as soon as possible.

We find the institution well conducted and believe that it is run for the best interests of the state, and think that superintendent Mountjoy, should be complimented for his tireless efforts in looking after the welfare of the inmates of the institution.

E. O. SELWAY.
S. W. KELSEY.
H. C. GROFF.
Joint Committee.

On motion of Rae, seconded by Sanders, report adopted and committee discharged.

The following communications from the House were received and read.

House of Representatives, Helena, Montana, February 2, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the vote of yesterday of the Committee of the Whole in reference to Senate Bill number 15, was on motion to-day recalled for further consideration, and respectfully request that Senate Bill No. 15, be again transmitted to the House for its concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Senate is requested to appoint a committee of three to act in conjunction with a like committee from the House for the purpose of visiting the State Penitentiary to examine into the advisability of the purchase of such property at the State Penitentiary as is now leased by the state, and to make such other investigations into the cost of the maintenance of the prison and management of the prison, as it deems fit; that the committee be in power to subpoena witnesses and that it report its findings to their respective bodies with recommendation for its action.

Respectfully,
CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Cockrell, the Senate concurred in the request.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Senate Amendment to House Bill No. 3, has been concurred in by the House.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day read first and second times and referred:

By Cummings of Chouteau, Joint Resolution No. 4: A joint resolution on waterways.

Referred to Committee on Waterways and Navigation.

By Wilham, H. B. No. 201: A bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over.

Referred to Committee on Labor.

By Woody, H. B. No. 202: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of deputies to county officers and assistants."

Referred to Judiciary Committee.

By Ward, H. B. No. 203: A bill for an Act entitled, "An Act to amend Sections 3318, 3321 and 3324 of the Revised Statutes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of the first class."

Referred to Committee on Affairs of Cities.

By Witmer, H. B. No. 204: A bill for an Act to amend Section 1959 of the Revised Codes of Montana of 1907, relating to the seizure and sale of game, or parts thereof, and of fish, caught or held in violation of law, and prescribing penalties.

Referred to Committee on Fish and Game.

By Thompson, H. B. No. 205: A bill for an Act prohibiting the abandonment of sheep by herders and others, and fixing penalties therefor.

Referred to Committee on Live Stock and Public Ranges.

By Kilgallon, H. B. No. 206: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."

Referred to Committee on Appropriations.

By Norton, H. B. No. 207: A bill for an Act entitled, "An Act to amend Sections 3206 of the Revised Codes of Montana, 1907, relating to the classification of cities and towns."

Referred to Committee on Affairs of Cities.

By Cummings of Chouteau, H. B. No. 208: A bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of old Fort Benton."

Referred to Committee on Appropriations.

By Connelly, H. B. No. 209: A bill for an Act to require railway

corporations, operators, agents, or persons in charge of railroad, telegraph or telephone stations, to report delayed trains, and providing the method thereof.

Referred to Committee on Railroads and Transportation.

By Norton, H. B. No. 210: A bill for an Act entitled, "An Act concerning tree planting and Arbor Day and to amend Section 1022 of the Revised Codes of Montana, 1907."

Referred to Committee on Education.

By Arnett, H. B. No. 211: A bill for an Act entitled, "An Act to create the County of Shaw, to define its boundaries, and to provide for its organization."

Referred to Committee on Towns and Counties.

By Hunter, H. B. No. 212: A bill for an Act entitled, "An Act to amend Sections 2601 of the Revised Codes of Montana of 1907, relating to personality."

Referred to Judiciary Committee.

By Brewster, H. B. No. 213: A bill for an Act entitled, "An Act to regulate the transportation of coal, demurrage for car service in transporting coal, and to provide for loss of coal in transit."

Referred to Committee on Railroads and Transportation.

By Gray, by request, H. B. No. 214: A bill for an Act entitled, "An Act to amend Section 1497 of the Revised Codes of Montana of 1907, relating to boards of health."

Referred to Committee on State Boards and Officers.

By Committee on Appropriations, H. B. No. 215: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for the expense of the State Auditor."

Referred to Committee on Appropriations.

By Brewster, H. B. No. 216: A bill for an Act entitled, "An Act to prohibit the mining, production or sale of coal for commercial purposes by railroad or transportation companies."

Referred to Committee on Railroads and Transportation.

By Derry, H. B. No. 217: A bill for an Act to authorize public administrators to require statements from persons and corporations having in their possession or control money or other personal property belonging to deceased persons, and to collect the same, and summarily settle estates where the value thereof is less than two hundred dollars.

Referred to Judiciary Committee.

By Bogart, H. B. No. 218: A bill for an Act to amend Sections 317, 318, 320, 325, 327 and 328 of the Revised Codes of Montana, 1907, making the jurisdiction of notaries public co-extensive with the boundaries of the state, and relating to the manner of certifying official acts, and authorizing the Secretary of State and County Clerks to certify to the official character of notaries public, providing the fees therefor and the execution and approval of their bonds.

Referred to Judiciary Committee.

By Hutchinson, H. B. No. 219: A bill for an Act entitled, "An Act concerning railroads and to better protect the lives of railroad employees

and the traveling public, and providing penalties for the violation thereof."

Referred to Committee on Railroads and Transportation.

By Duncan, H. B. No. 220: A bill for an Act to amend Section 3772 of the Revised Codes of Montana of 1907, relating to the adoption of children from any orphans' home or asylum.

Referred to Committee on Judiciary.

By McCoy, H. B. No. 221: A bill for an Act entitled, "An Act to determine the liability of any company, corporation or individual for damages sustained by employees thereof, and to declare void contracts restricting such liability."

Referred to Committee on Judiciary.

By Berkin, H. B. No. 222: A bill for an Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of state institutions, defining his duties and fixing his salary.

Referred to Judiciary Committee.

By Lowney, H. B. No. 223: A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, 1907, relating to judges and clerks of election, voting precincts and election precincts, within cities and towns."

Referred to Committee on Privileges and Elections.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, Ferbuary 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction were today given:

By Hutchinson: A bill for an Act entitled, "An Act to provide for a chemist and bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor."

By Kelsey: A bill for an Act entitled, "An Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution."

By Kelsey: A bill for an Act entitled, "An Act amending Sections 1390. 1392. 1395 and repealing Sections 1393, 1394 and 1396 of the Revised Codes of Montana of 1907, and providing for the filing of a petition for highways, and constituting the Board of County Commissioners, a board of viewers for the altering or discontinuance of any highways and how the same shall be laid out and how changed or abandoned.

By Hunter: A bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a board of appraisers of real estate, and requiring them to devote their entire time in the performance of the duties of their office, and repealing Sections 2886, 2891, 2892 and 2893 of the Revised Codes in conflict therewith, and amending Section 2894 of the Revised Codes, and fixing the compensation of the members of the Boards of County Commissioners, hereafter to be elected.

By Connelly: A bill for an Act to require railway corporations, oper-

ators, agents or persons in charge of railroads, telegraph or telephone stations to report delayed trains and providing the method thereof.

By McCoy: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeons in Gallatin county, Montana."

By Bogart: A bill for an Act relating to the valuation of the property of railroads for the purposes of rate regulation by the Board of Railroad Commissioners, or the courts, and providing rules of evidence relating to the same.

By Byrnes: A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars in this state."

By Byrnes: A bill for an Act entitled, "An Act to amend Section 4071 of the Revised Political Code of Montana so as to impose a license tax on express companies doing business in this State."

By Duncan: A bill for an Act to conform the organization and discipline of the organized militia of the State of Montana, to the requirements of the acts of Congress, entitled "An Act to promote the efficiency of the militia, and for other purposes," approved January 21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1062, 1074, 1082 and 1100 of the Revised Codes of Montana, 1907, relating to the militia of the National Guard of Montana.

By McCoy: A bill for an Act entitled, "An Act to provide for a State Chemist and Bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary, and appropriating money therefor."

By Norton: A bill for an Act relating to the practice of veterinary surgery in all its branches.

By Norton: A bill for an Act relating to the salary of the chief of police of cities.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the enacting clause of Senate Bill No. 15 was this day stricken out by the House, and Senate Bill No. 15 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 78, a bill for an Act entitled, "An Act to amend Sections 4874 and 4875 of the Revised Codes of Montana, 1907, making it unlawful to herd or drive stock upon another's land, providing penalties therefor and to give the right of action for damages," was this day read the third time and passed, title agreed to, and is herewith transmitted for your

concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 17, a bill for an Act to amend Sections 6315 of the Revised Codes of Montana, concerning the disqualification of judges, has been reported back by the Committee on Judiciary with the recommendation that Senate Bill No. 17 do not pass, and that said Committee has offered substitute for same with the recommendation that substitute Senate Bill No. 17 do pass, and report was adopted by the House.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Joint Resolution No. 3, under suspension of the rules, was unanimously concurred in.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 12 as amended by the House was this day passed, title agreed to, and Senate Bill No. 12 with House amendments are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House amendments to Senate Bill No. 12 read as follows:

Amend Section 9, in line 7 of the printed bill, by striking out the word "three" and insert the words "two and one-half", and strike out all of lines 8 and 9, and the words "dollar of valuation" in line 10.

Amend Section 3 by adding the words "and the electors shall designate his preference for either of the propositions by making an 'X' before the proposition desired."

On motion of McCone, seconded by Donlan, House amendments to Senate Bill No. 12 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Edwards, Romney, Sanders.—3.

Bill referred to Engrossing Committee.

The following bills were introduced, read first and second times and referred:

By Sykes, Senate Bill No. 82: A bill for an Act entitled, "An Act to amend Section 5769 of the Revised Codes of Montana, relating to the foreclosure of chattle mortgages."

Referred to Judiciary Committee.

By unanimous consent Donlan and Muffley were given permission to introduce bills without previous notice.

By Donlan, Senate Bill No. 83: A bill for an Act to provide for the taxation of sleeping car companies and providing method of fixing the same.

Referred to Committee on Railroads and Transportation.

By Everett, Senate Bill No. 84: A bill for an Act entitled, "An Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section 3 of Article XII of the Constitution, relating to taxation of mines and mining claims."

Referred to Committee on Mines and Mining.

By Muffley, Senate Bill No. 85: A bill for an Act entitled, "An Act to regulate and control corporations, companies, associations, and persons owning, controlling or operating a line or lines, a system or systems, of telegraph or telephones, in whole or in part within this state, and to change, fix, determine and regulate the rates, fares, rentals, tolls, charges, classification, regulations and conditions to be imposed, and services effecting the transmittal and delivery of messages, and the rents and charges for the use of any such line, or lines, system or systems, instrument or instruments or appliance, and placing such corporation, companies, associations and persons under the control of the Board of Railroad Comissioners of this State, and giving and imposing upon said Board, powers and duties to change, fix, determine and regulate such rentals, charges, fares, tolls, classifications and services, together with the power and duty to fix, change, determine and regulate the conditions and restrictions imposed, and services rendered by such corporations, companies, associations and persons, also to prevent discriminations."

Referred to Committee on Corporations other than Municipal.

By Muffley, Senate Bill No. 86: A bill for an Act to provide for the payment of the actual expenses of County Assessors, incurred in the performance of official duty.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Meyer, Senate Bill No. 97: A bill for an Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread and the methods for the restrictions and prevention of such diseases.

Referred to Committee on Education.

By Annin, Senate Joint Resolution No. 4: Inviting the Trans-Missouri Dry Farming Congress to hold its next annual session at the City of Billings, Montana.

On motion of Annin, rules were suspended and resolution adopted as read.

Notice of introduction of bill was this day given as follows:

By Selway: A bill for an Act to amend Section 1794 of the Revised Codes of Montana, 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range. and providing that they shall be slaughtered only on the premises owned or occupied by persons slaughtering the same, or on which he has permit so to do.

On motion of Rae, seconded by Long, the Secretary of the Senate is requested to instruct all committee clerks and stenographers of the Senate that they are not permited to do any work for members of the House.

On motion of Donlan, seconded by Tooley, the Senate resolved itself into Committee of the Whole for the consideration of Bills on General File with Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

S. B. No. 22 be amended in Section 4 by striking out in line 56 all after the word "Assembly," and as amended that the bill do pass.

S. B. No. 34 do pass.

S. B. No. 26 do pass.

H. B. No. 79 be concurred in.

H. B. No. 76 be concurred in.

Respectfully,

TRUSCOTT, Chairman.

On motion of Truscott, seconded by Annin, report adopted and Senate Bills No. 22, 34 and 26 referred to Engrossing Committee, and House Bills Nos. 79 and 76 referred to Calendar for third reading.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill numbered 41, beg leave to report as follows: That said bill has been correctly engrossed and returned to the Senate.

Respectfully

KESSLER, Chairman.

Report adopted and bill referred to Calendar for third reading.

The following Senate Bills read a third time and passed.

S. B. No. 55 read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell.—15.

Noes: None.

Absent and not voting: Albright, Cockrell, Cowgill, Kessler, Muffley, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—12.

Title agreed to.

S. B. No. 57 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney.—17.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Kessler, Long, Muffley, Sanders, Selway, Sykes, Tooley, Truscott.—10.

S. B. No. 48 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney.—17.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Kessler, Long, Muffley, Sanders, Selway, Sykes, Tooley, Truscott.—10.

Title agreed to.

S. B. No. 33 read a third time and passed by the following vote:

Ayes: Albright, Annin, Conrow, Daly, Donlan, Edwards, Everett, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders.—16.

Noes: None.

Absent and not voting: Cardwell, Cockrell, Cowgill, Fairbanks, Kessler, Long, Muffley, Selway, Sykes, Tooley, Truscott.—11.

Title agreed to.

S. B. No. 36 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders.—18.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Fairbanks, Kessler, Muffley, Selway, Sykes, Tooley, Truscott.—9.

Title agreed to.

S. B. No. 41 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders.—18.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Donlan, Kessler, Muffley, Selway, Sykes, Tooley, Truscott.—9.

Title agreed to.

The following House Bills were read a third time and concurred in.

H. B. No. 56, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone,

McDonnell, Romney, Sanders.—18.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Kessler, Muffley, Rae, Selway, Sykes, Tooley, Truscott.—9.

Title agreed to.

H. B. No. 76 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders.—18.

Noes: Long.

Absent and not voting: Cockrell, Cowgill, Kessler, Muffley, Rae, Selway, Sykes, Toley, Truscott.—9.

Title agreed to.

H. B. No. 79 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Tooley.—19.

Noes: Long.

Absent and not voting: Cockrell, Cowgill, Kessler, Rae, Selway, Sykes, Truscott.—7.

Title agreed to.

On motion of Donlan, seconded by Meyer, Senate adjourned at 4:50 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Second Day.

Helena, Montana, February 4, 1909.

Senate convened at 2 P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills No. 64, 67, 68, and 71, beg leave to report the same has been correctly printed.

Respectfully

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred Senate Bill numbered 86, a bill for an Act entitled,

"An Act to provide for the payment of the actual expenses of County assessors, incurred in the performance of official duty," beg leave to report as follows: That we have had same under consideration and recommend that it do pass.

Respectfully
DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 47, a bill for an Act entitled, "An Act to amend Section 7359 of the Revised Codes of Montana of 1907, relating to proceedings for the recovery of escheated property or the proceeds thereof, and prescribing limitations of time in which such proceedings may be instituted," having had same under consideration, beg leave to report as follows: That the bill be amended by striking out the word "twenty" in line 21 of the printed bill and insert in lieu thereof the word "ten", and by striking out all of lines 26 to 29 inclusive of the printed bill after the word "cease" on said line 26 and insert in lieu thereof the following "it is further provided, however, that any person claiming the proceeds of the sale of escheated property which have been deposited or paid into the treasury of the State of Montana at any time within twenty years after the passage of this Act in which to file his petition for the recovery of such proceeds as herein above provided." And that as so amended the bill do pass.

Respectfully
EDWARDS, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill No. 97, "An Act to provide for fire drills in the schools of the state," have had same under consideration and recommend that same be amended by striknig out after the words "more children are enrolled" the words "and in all colleges of the state and in all state institutions of learning," and as amended same be concurred in.

Respectfully
TOOLEY, Chairman.

On motion of Tooley, seconded by Selway, report adopted and bill referred to General File.

The President announced that he was about to sign House Bills numbered 3, 28, 36, 59 and 90, and signed same in open session.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 87, a bill for an Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are

spread and the method for the restriction and prevention of such diseases, have had same under consideration and recommend that same do pass.

Respectfully

TOOLEY, Chairman.

On motion of Albright, seconded by Tooley, reported adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 70, a bill for an Act to amend Section 904 of the Revised Codes of 1907, relating to the construction of teacher's contracts with regard to legal holidays, have had same under consideration and recommend that same do pass.

Respectfully

TOOLEY, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Agriculture and Manufactures, to whom was referred Senate Bill numbered 81, being a bill for an Act entitled, "An Act to secure liens to mechanics, laborers, horseshoers and wagon builders and repairers," report having had same under consideration and recommend that it do pass.

Respectfully

McDONNELL, Chairman.

On motion of McDonnell, seconded by Annin, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 26 and 34, beg leave to report as follows: That said bills have been correctly engrossed and returned to the Senate.

Respectfully

KESSLER, Chairman.

Report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Insurance, to whom was referred House Bill numbered 80, being a bill for an Act entitled, "An Act to provide that the State Auditor shall also be designated as Commissioner of Insurance Ex-Officio, and to provide for the appointment of a Deputy State Auditor who shall also be known as Deputy Commissioner of Insurance, and to fix his salary and to provide for the employment of an Actuary," having had the same under consideration, beg leave to report as follows: That the same be concurred in.

Respectfully

ANNIN, Chairman.

On motion of Annin report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill numbered 12, beg leave to report as follows: That said bill has been correctly engrossed and returned to the Senate.

Respectfully

KESSLER, Chairman.

On motion, report adopted and bill referred to Enrolling Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Roads, Highways and Bridges, to whom was referred House Bill No. 5, a bill for an Act entitled, "An Act to amend Section 1413 of the Revised Codes of Montana of 1907, relating to the construction and repair of bridges," having had the same under consideration, beg leave to report as follows: That the same be concurred in.

Respectfully

ANNIN, Acting Chairman.

On motion of Donlan, seconded by Sykes, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 3, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill numbered 56, being a bill for an Act entitled, "An Act to create a state accident insurance and total permanent disability fund for coal miners and employees at coal washers in the State of Montana and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor, and fixing penalties for the violation of the provisions of this act," beg leave to report as follows: Recommend that the bill be amended to read as the hereto attached bill:

Senate Bill No. 56.

Introduced by Meyer.

1-25-09.

A bill for an Act entitled, "An Act to create a state accident insurance and total permanent disability fund for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor and fixing penalties for the violation of the provisions of this Act."

Be it enacted by the Legislative Asesmbly of the State of Montana.

Section 1. All workmen, laborers and employees employed in and around any coal mines, or in and around any coal washers, in which coal is treated, except office employees, superintendents and general managers, shall be insured in accordance with the provisions of this Act, against accidents occurring in the course of their occupations.

Section 2. All corporations, partnerships, associations or persons, engaged in the business of operating any coal mine or coal washers in

the State of Montana, shall pay to the Auditor of the State, within five days after the monthly wages at the particular mine shall have been paid, one cent per ton on the tonnage of coal mined and shipped or sold locally, or having been mined is ready for shipment or sale, during the month for which the wages were paid, and all persons mentioned in Section 1 employed in and about coal mines shall allow to be deducted from their gross monthly earnings one per cent thereof, the deduction to be made by the agent, manager, or foreman of any corporation, association, partnership, person or persons, engaged in the business of operating any coal mine or coal washer, and paid to the State Auditor within five days after such monthly wages has been paid.

Section 3. The agent, manager, foreman, or accountant of any corporation, partnership, association, person or persons engaged in mining coal in Montana, shall on or before the fifth day succeeding the day at his respective mine, make a report under oath to the State Auditor as to the tonnage mined and subject to the payment of one cent per ton thereon; and stating the gross earnings subject to the one per cent deduction as provided in this Act, accompanied by a certified check in full for the amount of the tax provided in Section 2 of this Act. It shall be unlawful for any person, employer, employee, corporation, partnership, association or union, to make any contract, waiving, avoiding or affecting the full legal effect of this Act.

Section 4. It is hereby made the duty of the State Auditor to receive all moneys as provided for in this Act, and to send the proper acknowledgment to the person making such remittance. The Auditor shall pay all moneys so received by him to the State Treasurer, who shall keep such sums in safe custody in a distinct fund to be known as the employer and employees co-operative insurance and total permanent disability fund. The State Treasurer must invest the surplus of this fund in safe and convertible state, county or city bonds, or bonds of the United States. All interest accruing from such investments shall be accredited to this insurance fund. The bond of the State Treasurer shall be liable for such funds, and it shall be his duty to keep accurate accounts of the receipts and disbursements of such money.

Section 5. The Auditor of State shall keep full statistics of the operation of this function of his department. In the event of the death by accident of an employee insured under this Act, who shall have come to his death in the course of his employment and by causes arising therein, the Auditor of State upon being satisfied by adequate evidence of such death shall issue a warrant upon the State Treasurer to persons depending upon the deceased, these warrants to issue in the following order: (1) To surviving wife and child, or children, in equal shares, and if neither wife or child or children be alive then (2) To surviving parents who are dependent or partially so upon the deceased; if none, then (3) To such other relative of the deceased as survive him and are dependent upon him, in the sum of three thousand ($3,000.00) dollars.

A workman receiving injuries which permanently incapacitate him from the performance of work shall receive a compensation monthly, not

to exceed one (1) dollar a day for each working day, compensation for permanent injury shall not be allowed until after the expiration of twelve weeks from the time such injuries were sustained, provided that the medical practitioner examines and pronounces the injury as being permanent, compensation may then be allowed from commencement of disability. The Auditor of State, however, may, when in his judgment he deems it advisable, use so much of the funds as is necessary in the procuring of a medical practitioner, for the purpose of examination or treatment under this act, for such injuries as herein mentioned, compensation shall continue during disability, or until settlement is effected, as provided for in Section 9 of this Act. Total or permanent disabilities shall consist of, the loss of both legs or both arms, the total loss of eye sight or paralysis, or other conditions incapacitating him from work, caused by accident or injuries, received during employment as specified by this Act; provided that if death as a result of the injury ensues at a period not longer than one year from date of accident, the sum of three thousand ($3,000.00) dollars shall be paid the deceased workman's dependents as hereinbefore provided. The representatives of a foreigner, except the widow or dependnt childrn, who are not living within the country at the time of the accident shall have no claim for the compensation provided for in this Act. Such foreign person shall file their foreign address, if married, with the office of their employer with whom they are employed, and duplicate thereof with the State Auditor, giving their wife's name and dependent children, and such other identification as may be required by the Auditor of the State. Loss of any limb, or eye, caused by accident to a workman, while employed as provided in this Act, shall be compensated for in the sum of one thousand ($1,000.00) dollars provided, that in the event there shall be no funds available in the fund to pay the Auditor's warrant when drawn, the same shall draw interest out of the fund at the rate of ten per cent per annum until such warrant is called for payment by the Treasurer which shall be as soon as the fund is sufficient to pay the same with its interest then due.

Section 6. Where a workman is entitled to monthly payments under this Act, he shall file with the Auditor of State his application for such, together with a certificate from the County Physician of the county wherein he resides, attested before a Notary Public.

Section 7. Any person, or persons, company, or corporation, who is then paying into this insurance fund shall believe that any person or persons are obtaining or have made application to obtain benefits hereunder, improperly or fraudulently, and shall file his written request that such persons claim be investigated, the State Auditor must, upon the receipt of such request, request the Secretary of the State Board of Health to make an examination for the purpose of this Act, and his certificate as to the condition of the person or persons with reference to their rights to benefit under this Act, shall be conclusive evidence as to his condition.

Section 8. If the workman refuses to submit himself to such examination or in any way obstructs the same, his right to compensaiton under this Act shall be suspended until such examination takes place

and shall absolutely cease unless he submits himself for an examination within one month after being required to do so.

Section 9. Where any monthly payment has been made to a workman for any period whatever, the liability under this Act, may on the application by, or on behalf of the workman, be redeemed by the payment of a lump sum, which in no instance, shall be in excess of the amount specified as death indemnity, and all monthly payments made prior shall be deducted from such settlement.

Section 10. The Auditor of State shall report in January of each year to the Governor, of the experience and business of this function of his department, and shall have plenary power to determine all disputed cases which may arise in its administration now herein provided for, and to recommend in his report the rates or premium necessary in order to preserve such fund, and shall order paid such indemnification as herein provided. It shall have power to define the insurance provisions of this Act by regulations, not inconsistent therewith and shall prescribe the character of the monthly or other reports required of the parties liable hereunder, and the character of the proofs of deaths, or to total permanent disability, and shall have power to make all other orders and rules necessary to carry out the true intent of this Act.

Section 11. No money paid or payable in respect of insurance or monthly compensation under this Act shall be capable of being assigned, charged, taken in execution or attached, nor shall the same pass to any other person by operation of law, and the acceptance of pecuniary benefit under provisions of this Act, shall operate to release the person or persons, corporation, partnerships, or association causing such injuries or death, for which benefits are so claimed, who shall have paid the assessment provided in Section 2 of this Act, and also the employer, officers and agents, thereof, from all liability and claim arising from such injuries or death.

The commencement of a suit to recover for such injuries or death shall operate as a forfeiture of the right of benefit under this Act.

Section 12: A manager, agent, foreman, accountant, person, or persons, who represent any corporation, partnership, association, person or persons, engaged in the mining or managing of any coal mines, or coal washers in Montana, or person or persons liable for the payments herein provided for, who shall violate the intent of this Act by inacurate reports of tonnage of coal produced by them or the earnings of employees in their employ or who in any manner, hinders or obstructs the Auditor of State in ascertaining facts bearing upon any case provided for in this Act, or who may refuse correctly to make out such reports as are required by this Act, or as requested by the Auditor of State, or submit to its provisions when liable therefor, or who shall fraudulently obtain benefits hereunder shall be fined for each offense the sum of not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars and imprisonment in the county jail for a period of not less than one month nor more than six months, or by both such fine and imprisonment.

The proceeds of all fines shall be forwarded to the State Treasurer,

and by him credited to the Insurance Fund.

Section 13. This Act to be in full force and effect from and after the first day of October, 1910, benefits to commence four months thereafter."

And that as amended the bill do pass.

Respectfully

MEYER, Chairman.

On motion Albright, seconded by Meyer, report adopted and referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

We, your Committee on Irrigation and Water Rights, to whom was referred Senate Bill numbered 18, a bill for an Act entitled, "An Act to provide for the creation organization, government and extension, of Irrigation Districts, to prescribe the rights, powers and duties thereof, to provide for the acquisition either by construction, purchase or otherwise, and for the maintenance and control thereby of works, water property and rights, for the irrigation of land within and comprising such districts, and to provide for the payment therefor and for the expenses of such districts, and to extend and apply the provisions of this Act, to Irrigation Districts of the State heretofore organized or in process of organization, under existing laws, and to repeal with certain reservations the provisions of Sections 2309 to 2402, both inclusive, of Title X, Part III, of the Revised Codes of Montana of 1907, having had the same under consideration recommend that the said bill do pass with the following amendments.

1. On page 3, line 34, after the word "court" insert the words "or judge thereof".

2. On page 5, line 8, after the word "district" insert the following "and to this end the court may sub-divide lands included within the petition, or proposed at the hearing to be included within such district into forty acre tracts or smaller sub-divisions thereof."

3. On page 5, line 103, after the word "order" insert the following "A copy of such order duly certified by the clerk of said court, shall be filed for record within thirty days after such order is made and entered with the county clerk and recorder of the county wherein lands included within such district are situated, provided, however, there shall be omitted from such copy lands not situated in the county in which such property is filed."

4. On page 6, line 116, after the word "court" insert the words "or judge thereof".

5. On page 7, line 140, after the word "expenses" insert the following "no commissioner or any other officer named in this Act shall in any manner be interested, directly or indirectly in any contract awarded or to be awarded by the board, or in the profits to be derived therefrom; and for any violation of this provision such officers shall be deemed guilty of a misdemeanor, and his conviction thereof shall work a forfeiture of his office, and he shall be punished by fine, not exceding five hundred dollars, or by imprisonment in the county jail not exceeding

six months, or by both such fine and imprisonment."

6. After the word "Board" in line 183, on page 9, insert the following "For the purpose of purchasing or constructing, necessary irrigation canals or works, or acquiring the necessary property and rights therefor, and otherwise carrying out the provisions of this Act, the board of commissioners of any such Irrigation District must, as soon after such district has been organized as practicable, formulate a general plan for such purchase, construction and acquisition of such property, and shall cause such surveys, examinations and plans to be made as shall demonstrate the practicability of such plans, the amount of land that can be irrigated thereunder, and furnish the proper basis for an estimate of the costs or carrying out such plans, and the value of any canal, works, property or system, of irrigation proposed to be purchased.

All such surveys, examinations, maps, plans and estimates shall be made by or under the direction and supervision of an irrigation engineer, of well known standing and competency, and all such necessary surveys, examinations, maps, plans and estimates must be certified to by him. When all such are completed, he shall submit them with all proper field notes to and file them with the Board of Commissioners accompanied by his report, and recommendations thereon. This report shall include a dicsussion of said plans by him submitted to said board, of the question of water supplies, of the sufficiency of the works proposed to accomplish the desired results, of the practicability of the proposed system from an engineering standpoint; of the probability of being acquired or constructed within the estimate of the costs stated, and such general discussion and recommendation, in regard to the engineering and financial features of the whole matter, as in the judgment of such engineer shall be desirable for the information of the people of the district. Such report shall be accompanied by a map, when such is necessary for a proper explanation or understanding of the same. Upon receiving such report said Board of Commissioners shall proceed to determine the amount of money necessary to be raised for the purchase or construction of said proposed property, canals or irrigation works, and system, and within ten days after arriving at such determination, shall cause the secretary of said board to notify all persons or corporations holding title, or evidence of title, to lands within said district (ascertained as provided in Section 1 of this act) of the filing of said report and their determination thereon. Said notices shall be given through the United States mail by letter addressed to such persons or corporations at their last known post ofifce address of each person or corporation aforesaid. A certificate of the secretary of the board as to the fact of mailing said notice affixed to a copy of said notice and recorded in the record book of said board of commissioners, shall be sufficient and conclusive evidence of such fact."

7. On page 9, in line 185, after the word "into" insert the words "one or more."

8. On page 9, line 204, after the word "chosen" insert the following: "by the electors of the entire district."

9. On page 13, line 294, after the word "guardians," insert "executors, administrators."

10. On page 16, in line 357, after the word "order" insert the following: "Provided, however, that the extension of such boundaries shall not deprive the lands already in said districts of an adequate supply of water for irrigation purposes."

11. On page 21, in line 498, before the words "right of way," insert the following: "bonds issued under the provisions of this Act."

12. On page 35 in line 836, after the word "codes," insert the following: "If a majority of the holders of title, or evidence of title, to lands included in the district heretofore organized, or being organized, under the provisions of said Sections 2309 to 2402, both inclusive, of said Revised Codes, said holders of title or evidence of title, also representing a majority in acreage of said irrigable lands of said districts, shall petition under the provisions of this Act for the organization of a new district, including not less than four-fifths of the irrigable lands embraced within such districts so organized, or being organized, and shall pray for an order disorganizing such districts and vacating all proceedings therein, the courts shall have jurisdiction to proceed under this Act to organize such new districts, and in making its final order creating such new districts, shall also make an order vacating and disorganizing the old districts. All money or property belonging to such old districts shall be and become the money and property of such new districts. Should any lands included in the old district not be included in the new district, the commissioners of the latter shall pay to the owner or owners of such lands their just proportion thereof on the basis of the last assessment made; and provided further that all acts heretofore done by any Board of County Commissioners of any county of this state in connection with the organization of any irrigation districts under the provisions of the foregoing sections of said Revised Codes, shall be and are hereby ratified, confirmed and declared valid, and of full force and effect.

Respectfully
ALBRIGHT, Chairman.

On motion of Albright, seconded by Donlan, report adopted and bill referred to General File.

The President appointed Edwards, McCarthy and Kessler as a committee of three to act with a like committee of the House in the investigation into the advisability of the purchase of such property by the State, as is now leased from former contractors at the state penitentiary.

The following communication from the Governor was received and read:

Executive Office, Helena, Montana, February 4, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that I have this day approved and deposited with the Secretary of State Senate Bill No. 28, an Act relative

to commission merchants or persons selling agricultural products, or farm produce, on commission.

EDWIN L. NORRIS, Governor.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Mr. Speaker has today appointed a committee of three in compliance with Senate Resolution No. 3, comprising Messrs. MacGinniss, Burke and Shoemaker, to act with a like committee from the Senate, to receive and extend an invitation to Governor Hanley of Indiana, to address the Joint Assembly of the Eleventh Legislative Assembly of the State of Montana.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred.

By Connelly, House Joint Resolution No. 5: Relating to the employment of prisoners confined in the State Prison of the State of Montana.

Referred to Committee on State Institutions.

By Norton, H. B. No. 224: A bill for an Act entitled, "An Act to amend Section 3238 of the Revised Codes of Montana, of 1907, relating to the official bonds of officers of cities.

Referred to Judiciary Committee.

By Jacobson, H. B. No. 225: A bill for an Act to amend Sections 2268, 2271, and 2272, of the Revised Codes of Montana, of 1907, relating to the reclamation and settlement of arid lands selected by the state under the provisions of the Act of Congress commonly known as the "Carey Act" approved August 18, 1904, and to repeal Section 2270 of the Revised Codes of Montana, of 1907.

Referred to Committee on State Lands.

By Gray, H. B. No. 226: A bill for an Act entitled, "An Act to provide for the regulation of the manufacture and sale of creamery butter.

Referred to Committee on Sanitary Affairs.

By Hutchinson, H. B. No. 227: A bill for an Act entitled, "An Act to provide for a chemist and bacteriologist to the State Board of Health. defining his powers and duties and fixing his salary and appropriating money therefor."

Referred to Appropriation Committee.

By Duncan, H. B. No. 228: A bill for an Act to conform the organization and discipline of the organized militia of the State of Montana, to the requirements of the Act of Congress, entitled, "An Act to promote the efficiency of the militia and for other purposes, approved January 21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055,

1056, 1060, 1074, 1082, and 1100 of the Revised Codes of Montana, 1907, relating to the militia and National Guard of Montana."

Referred to Committee on Military Affairs.

By Kelsey, H. B. No. 229: A bill for an Act amending Sections 1390, 1392, and 1395 and repealing Sections 1393, 1394, 1396, of the Revised Codes of Montana, of 1907, and providing for the filing of a petition for highways and constituting the Board of County Commissioners a Board of Viewers for the altering or discontinuance of any highway or for laying out a new highway, and how the same shall be laid out and how changed or abandoned.

Referred to Committee on Highways.

By Kelsey, H. B. No. 230: An Act to amend Section 6820 of the Revised Codes of the State of Montana, relating to the issue of execution.

Referred to Judiciary Committee.

By Hunter, H. B. No. 231: A bill for an Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of real estate, and requiring them to devote their entire time in the performance of the duties of their office and repealing Sections 2886, 2891, 2892, and 2893, of the Revised Codes in conflict herewith and amending Section 2894, of the Revised Codes and fixing the compensation of the members of the Board of County Commisisoners hereafter to be elected.

Referred to Judiciary Committee.

By Norton, H. B. No. 232: An Act to regulate the practice of veterinary surgery in all its various branches in the State of Montana, providing for a State Veterinary Board and prescribing its duties, prescribing penalties for its violation and repealing all inconsistent acts.

Referred to Committee on Live Stock and Public Ranges.

By Frank, H. B. No. 233: A bill for an Act entitled, "An Act to amend Section 7891, of the Revised Codes of Montana of 1907, relating to witnesses.

Referred to Judiciary Committee.

By Cluston, H. B. No. 234: A bill for an Act entilted, "An Act to appropriate money to pay the per diem and mileage to the witnesses called by the Joint Committee of the Eleventh Legislative Assembly about to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony and serving subpoenaes in said investigation."

Referred to Committee on State Lands.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of the introduction of bills were to-day given:

By Berkin: A bill for an Act entitled, "An Act to amend Section 8416, of the Revised Codes of Montana, 1907, relating to gambling and gambling devices."

By Allen, of Deer Lodge: A bill for an Act declaring it a misde-

meanor for a man and woman to associate together for lewd or immorial purposes.

By Edgerton: A bill for an Act to provide for the issue and sale by the State Board of Examiners, of bonds for the purpose of purchasing a site and erecting thereon an executive mansion; and to provide for the purchase of such site, the erection of said executive mansion thereon under the authority and direction of the State Board of Examiners.

By Bogart: A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of and the assistance to the State Examiner.

By Edgerton: A bill for an Act to amend Sections 2680 and 2682, of the Revised Codes, relating to tax sales of real property.

By Coit: A bill for an Act to provide for ascertaining the choice of the electors of the State of Montana, of a candidate for Senator in Congress, for Montana, for each political party in said state.

By Norton: A bill for an Act relating to the salaries of police judges.

By Hall: A bill for an Act entitled, "An Act to restrict the sale or other disposition of cocaine, opium, or any of its alcaloids, providing penalty for the violation of any of the provisions of this Act and repealing all acts and parts of acts in conflict herewith."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill numbered 20, was read a third time and concurred in as amended and is herewith returned; also, Senate Bill No. 11, was read a third time, and concurred in, and is herewith returned, also, Senate Bill numbered 15, was read a third time, and concurred in and returned.

House Bills numbers 106, 104, 87, 98, and 126, were to-day read a third time and passed, and are herewith transmitted to the Senate for its concurence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following bills were read first and second times and referred:

By Selway, Senate Bill No. 88: A bill for an Act to amend Section 1794, of the Revised Codes of Montana, of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public range, and providing they shall be slaughtered only on the premises owned or occupied by the person slaughtering the same, or on which he has received a permit so to do.

Referred to Committee on Stock Growing and Grazing.

By Coit, H. B. No. 78: A bill for an Act entitled, "An Act to amend Sections 8474 and 8475, of the Revised Codes of Montana, of 1907, making it unlawful to herd or drive livestock upon anothers land, providing penalty therefor, and to give a right of action for damages.

Referred to Committee on Stock Growing and Grazing.

By Committee on Appropriations, H. B. No. 106: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account of requisitions.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 104: A bill for an Act entitled, "An Act appropriating money for the payment of certain Notary Public fees erroneously collected."

Referred to Committee on Finance and Claims.

By Kelsey, H. B. No. 87: A bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claims of a certain person."

Referred to Committee on Finance and Claims.

By Smith, H. B. No. 98: A bill for an Act entitled, "An Act to amend Sections 8393, 8394, 8395, and 8396, of the Revised of 1907, of the State of Montana, relating to exposures, exhibitions and pictures.

Referred to Committee on Public Morals.

By Berkin: Chairman on Fish and Game Committee, as substitute for House Bills Nos. 24 and 32, H. B. No. 126: A bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787, and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and beaver, and preventing the sale of beaver skins, and providing a punishment for the violation of this Act."

Referred to Committee on Fish and Game.

The following notices of the Introduction of bills were this day given:

By Cockrell: A bill for an Act entitled, "An Act to provide that the coroner of the county wherein the state prison is located may hold an inquest over the bodies of deceased prisoners, and providing for the expenses of such inquests."

By Annin: A bill for an Act entitled, "An Act to create the county of Stillwater, by designating and defining its boundaries and to provide for its organization and government and to apportion the indebtedness existing between said county of Stillwater, and the counties of Carbon, Sweet Grass and Yellowstone."

By Edwards: A bill for an Act entitled, "An Act to amend Sections 1661 and 1664 of the Revised Codes of Montana, 1907, relating to the duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

On motion of Long, seconded by Albright, rules suspended and Committee of the Whole was instructed to consider Senate Bill No. 18.

On motion of Donlan, seconded by Rae, Senate resolved itself into Committee of the Whole for the consideration of bills on General File with Cockrell in the chair.

Cockrell in the chair.

Committee arose.

Senate resumed.

President in the chair.

Cockrell, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 23, be amended by adding thereto, Section 206, of the Revised Codes of Montana, 1907, as amended and inserting the same therein, and renumbering Sections 6 and 7, of said Bill: Section 6. That Section 206 of the Revised Codes of Montana, of 1907, be, and the same is hereby amended so as to read as follows: Section 206. The annual salary of the Superintendent of Public Instruction to include all services rendered ex-officio, as a member of any board or commission as now required, or which may be hereafter by law devolved upon him, is four thousand dollars, and as amended the bill do pass.

S. B. No. 62, do pass.

S. B. No. 66, be amended by striking out the word "section" in both places where it appears in line two in the bill as printed, and inserting in lieu thereof the words "sub-division", also by inserting the figure "7" before the word "he" in line four of the bill as printed, and as amended the bill do pass.

S. B. No. 60, be amended in Section 1, by inserting after the word "power" in line 9, the words "and it shall be his duty", and as amended the bill do pass.

S. B. No. 18, do pass.

Respectfully,

COCKRELL, Chairman.

On motion of Annin, seconded by Albright, report of the Committee of the Whole was adopted and Senate Bills numbered 23, 62, 66 and 60 and 18, were referred to Engrossing Committee.

By unanimous consent, Dr. Duniway, president of the University of Montana, was permitted to address the Senate.

Moved by Everett, seconded by Edwards, that Senate Bill No. 34, be taken from General File and referred to Committee on Judiciary.

Muffley demanded roll call.

Motion lost by the following vote:

Ayes: Donlan, Edwards, Everett, Metcalf, Meyer, Selway.—6.

Noes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Fairbanks, Haviland, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—20.

Absent and not voting: Kessler 1.

By unanimous consent all bills were considered read at length, read by title only and placed on final passage.

S. B. No. 34, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Fairbanks, Haviland, Long, Muffley, McCarthy, Romney, Sanders, Sykes, Truscott. —15.

Noes: Cowgill, Donlan, Edwards, Everett, Metcalf, Meyer, McCone, McDonnell, Rae, Selway, Tooley.—11.

Absent and not voting: Kessler.—1.

Title agreed to.

S. B. No. 26 read a third time and passed by the following vote:

Ayes: Annin, Conrow, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Muffley, McCarthy, Rae, Sanders, Tooley.—13.

Noes: Albright, Cardwell, Long, Meyer, McCone, McDonnell.—6.

Absent and not voting: Cockrell, Cowgill, Daly, Kessler, Romney, Selway, Sykes, Truscott.—8.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 12 and 15, beg leave to report as follows: That they have been correctly enrolled.

Respectfully,

RAE, Chairman.

President announced that he was about to sign Senate Bills Nos. 15 and 12, and signed same in open session.

By request Meyer was excused from attendance of Friday's session.

On motion of Donlan, seconded by McCone, Senate adjourned at 4:05 P. M. until 10:30 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Third Day.

Helena, Montana, February 5, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

By request, Donlan, Metcalf, and Romney were excused.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 5, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 76, a bill for an Act relating to the government, management, control and financing of the University of Montana, Montana State Normal School, Agricultural College of Montana, State Orphans' Home, Montana School of Mines, Montana School for the Deaf and Blind, and State Reform School, and to repeal Sections 648, 672, 692, 693, 694, 695, 699, 700, 701, 703, 704, 707, 708, 735, 736, 737, 776, 1158, 1159, 1160, 1163, 1165, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1262, 1263 and 1264 of the Revised Codes of Montana of 1907, beg leave to

report having had the same under consideration and recommend that it do pass.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Sykes, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 22 and 18, beg leave to report as follows: That said bills have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by McCone, report adopted and bills referred to Calendar for third reading.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred:

By Harbert, H. J. M. No. 1: Relating to a bill introduced by Joseph M. Dixon relating to the sale of intoxicating liquors on Flathead Reservation.

Referred to Judiciary Committee.

By Connelly, H. J. R. No. 6: Relating to Billings Polytechnic Institute.

Referred to Committee on State Institutions.

By Norton, H. J. R. No. 7: A joint resolution relative to opening of Flathead Indian Reservation.

Referred to Committee on State Lands.

By Allen, H. B. No. 235: A bill for an Act declaring it a misdemeanor for a man and woman to associate together for lewd or immoral purposes.

Referred to Committee on Education.

By Norton, by request, H. B. No. 236: A bill for an Act entitled, "An Act to amend Section 3241 of the Revised Codes of Montana, 1907, relating to the salary of police judge."

Referred to Judiciary Committee.

By Hall, H. B. No. 237: A bill for an Act entitled, "An Act to restrict the sale or other disposition of cocaine, opium or any of its alkaloids, providing penalties for the violation of any of the provisions of this Act, and relating to all acts and parts of acts in conflict herewith."

Referred to Committee on Sanitary Affairs.

By Edgerton, H. B. No. 238: An Act to amend Sections 2680 and 2682 of the Revised Codes of the State of Montana of 1907, relating to tax sales of real property.

Referred to Committee on Judiciary.

By Arnett, H. B. No. 239: A bill for an Act entitled, "An Act to create a lien for seed grain furnished, procedure to obtain and manner of enforcement."

Referred to Judiciary Committe.

By Bogart, H. B. No. 240: A bill for an Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of and the assistants to the State Examiner.

Referred to Committee on Banks and Banking.

By Berkin, H. B. No. 241: A bill for an Act entitled, "An Act to amend Section 4818 of the Revised Codes of Montana of 1907, relating to gambling and gambling devices."

By Committee on Appropriations, H. B. No. 242: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims on account of capitol building and grounds, maintenance and care."

Referred to Appropriation Committee.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of the introduction of bills were today given:

By Connelly: H. J. M. instructing state board land commissioners to sell Billings Polytechnic Institute 20 acres land at minimum price of ten dollars per acre.

By Pierson: A bill for an Act entitled, "An Act to provide for the assessment of live stock, creating a migratory stock fund, and providing for the collection and distribution of taxes thereon."

By Berkin: A bill for an Act entitled, "An Act to amend Section 8557 of the Revised Codes of Montana of 1907, relating to the pollution of streams, and to repeal Section 8558 of the Revised Codes of Montana, 1907."

Respectfully
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Messrs. Norton, Maxwell and Hayes have been appointed the House Committee to act jointly with the Senate Committee to visit the Penitentiary and to report on the same.

Respectfully
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of the introduction of bills were this day given:

By Christler: A bill for an Act appropriating money for the payment of a deficiency claim of a certain person.

By Berkin: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of Montana, 1907, relating to hunting and fishing license, and issuing on account of the same.

Respectfully
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 53, introduced by Edwards, being a bill for an Act to prohibit the running or conducting of dances in public dance halls or other public places of amusement on Sunday, and to provide penalties for the violation thereof, was today reported back from the committee to which it was referred with the recommendation that said bill be not concurred in; the report was adopted and Senate Bill numbered 53 is herewith returned to you.

Respectfully,
CHAS. Z. POND, Chief Clerk.

On motion of McCone, seconded by McDonnell, the Senate resolved itself into a Committee of the Whole for the consideration of bills on General File, with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

S. B. No. 5 do pass.
S. B. No. 64 do pass.
H. B. No. 5 be concurred in.
H. B. No. 80 be concurred in.
S. B. No. 67 do pass.
S. B. No. 68 do pass.
S. B. No. 71 do pass.
H. B. No. 97 be concurred in.
H. B. No. 47 be concurred in.

Respectfully,
McCARTHY, Chairman.

On motion of McCarthy, seconded by Albright, report adopted and Senate Bills numbered 5, 64, 67, 68 and 71 referred to Committee on Engrossed Bills, and House Bills numbered 5, 80, 97 and 47 referred to Calendar for third reading.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 11, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and the President gave notice that he was about to sign Senate Bill No. 11, and signed same in open session.

On motion, by unanimous consent, Senate Bill No. 18 was read a third time by title only and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Donlan, Metcalf, Meyer, Romney, Truscott.—5.

Title agreed to.

On motion of Everett, seconded by Muffley, Senate adjourned at 11:25 A. M. until 2:00 P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Sixth Day.

Helena, Montana, February 8, 1909.

Senate convened at 2:00 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 8, 1909.

Mr. President:

Your Committee on Public Morals, to whom was referred Senate Bill No. 61, introduced by Rae, entitled a bill for an Act entitled, "An Act to amend Section 8380 of the Revised Statutes of Montana of 1907, in regard to the furnishing of intoxicating liquors to minors or Indians, beg leave to report as follows:

That Section 1 be amended to read as follows:

"Section 1. That Section 8380 of the Codes of Montana, of 1907, be and the same is hereby amended to read as follows:

Every person who knowingly sells or gives intoxicating liquors to persons who are habitual drunkards, or who sells or gives intoxicating liquors to a minor, knowing him to be a minor, or to any Indian, shall, upon conviction thereof, be guilty of a misdemeanor, and shall forfeit his or their license to sell liquors, and in addition thereto be liable in damages to any person who is injured thereby, in money, property or

means of support. In a suit for recovery of damages named in this section, a married woman may sue in her own name and a minor by its guardian."

That Section 2 be amended to read as follows:

"Section 2. Any person who is dependent upon an habitual drunkard for support and desires the benefit of this Act, or any person showing another person to be a minor, may notify in writing any and all persons who sell intoxicating liquors in the town, village, or city in which they reside, not to sell such habitual drunkard or minor any intoxicating liquors, giving in said notice a full and complete description of such habitual drunkard or minor and take receipt in writing from the person or persons so notified, and any person, proprietor, bartender or other person in charge of any bar room, saloon, or other place where intoxicating liquors are sold, dispensed or given away, who shall refuse to accept service of said notice, as herein provided, shall be guilty of a misdemeanor."

That Section 3 be amended to read as follows:

Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed."

That a new section be added to be known as Section 4, and which shall read as follows:

"Section 4. This Act shall be in full force and effect from and after its passage and approval by the Governor."

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, duly seconded, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 8, 1909.

Mr. President:

Your Committee on Federal Relations to whom was referred Senate Concurrent Resolution No. 1, being "A resolution to the Senators and Representatives in Congress, requesting that proper estimates be obtained through the War Department of the requirements for the general improvement of the Missouri river and its tributaries, beg leave to report and recommend that it do pass.

Respectfully,

McCARTHY, Chairman.

On motion of Muffley, seconded by Sykes, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 6, 1909.

Mr. President:

Your joint committee selected to investigate sale of State timber lands, beg leave to report: That on February 5, 1909, the following motion was adopted by said Committee, to-wit:

"That said committee extend to each member of the Legislature in both Senate and House an opportunity to testify to any fact or evidence that they may have in their possession regarding the investigation, and that if they know of any or possess any fact regarding the matter at

issue, that they hand in the names to the chairman or any other member of the committee.

Respectfully

COWGILL, Chairman.

Senate Chamber, Helena, Montana, February 8, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Biils numbered 5, 23, 60, 62, 64, 66, 67, 68 and 71, beg leave to report as follows: That said bills have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by McDonnell, report adopted and bills referred to Calendar for third reading.

The following communications from His Excellency the Governor were received and read:

Executive Office, Helena, Montana, February 5, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that I have this day approved and deposited with the Secretary of State the following Senate bills:

S. B. 11: 'An Act to amend Sections 4216 and 4218 of the Revised Codes of 1907, so as to increase the maximum par value of the shares of stock of co-operative associations; to permit co-operative associations to divide its shares of stock into different par values; to legalize the stock of co-operative associations heretofore issued into classes of different par values, and regulate the exemption of such shares of stock from attachment or sale under execution.

S. B. 12. An Act for the submisison to the qualified electors of the State of Montana of an amendment to Section 9 of Article XII of the Constitution of the State of Montana, relative to revenue and taxation.

S. B. 15. An Act authorizing the appointment of a stenographer to the State Treasurer.

EDWIN L. NORRIS, Governor.

Executive Office, Helena, Montana, February 8, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint the following persons to be members of the State Board of Sheep Commissioners, for the term ending February 4, 1911:

Beaverhead County—Isaac Edinger.
Broadwater County—J. D. Dogett.
Carbon County—John Flanagan.
Cascade County—James Burns.
Chouteau County—A. H. Lohman.
Custer County—Frank D. O'Neill.
Dawson County—William Lindsay.
Deer Lodge County—John Wenger.

Fergus County—Joseph L. Ashbridge.
Flathead County—Louis Fehlberg.
Gallatin County—John F. Work.
Granite County—Alex Whyte.
Jefferson County—E. J. Stanley.
Lewis and Clark County—A. K. Prescott.
Madison County—W. A. McAtee.
Meagher County—N. B. Smith.
Missoula County—Gaspard Deschamps.
Park County—J. M. Darroch.
Powell County—William Williams.
Ravalli County—Albert May.
Rosebud County—Thomas E. Hammond.
Sanders County—Milon H. Pierce.
Silver Bow County—Lee Lewis.
Sweet Grass County—Benjamin O. Forsythe.
Teton County—G. M. Coffee.
Valley County—L. H. Mills.
Yellowstone County—A. C. Logan.

EDWIN L. NORRIS, Governor.

On motion of Donlan, seconded by McCarthy, nominations made by the Governor are hereby confirmed by the Senate.

Executive Office, Helena, Montana, February 8, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint the following persons to be members of the State Board of Stock Commissioners, for the term ending February 4, 1911:

Beaverhead County—Nels Nelson.
Broadwater County—Con Sweeney.
Carbon County—Caleb Duncan.
Cascade County—James G. Stanford.
Chouteau County—C. J. McNamara.
Custer County—O. C. Cato.
Dawson County—Chas Krug.
Deer Lodge County—W. M. Montgomery.
Fergus County—Andrew Fergus.
Flathead County—J. H. Graves.
Gallatin County—H. H. Sappington.
Granite County—G. W. Morse.
Jefferson County—Daniel McNeill.
Lewis and Clark County—A. J. Davidson.
Madison County—Winthrop Raymond.
Meagher County—George R. Lyons.
Missoula County—Dr. W. P. Mills.
Park County—O. T. Armstrong.
Powell County—Mike McCormick.
Ravalli County—D. D. Nicholson.

Rosebud County—Morgan Howell.
Sanders County—George Cooper.
Silver Bow County—Roy Ayres.
Sweet Grass County—W. P. Franklin.
Teton County—J. L. Dehart.
Valley County—Daniel C. Kyle.
Yellowstone County—David Fratt.

EDWIN L. NORRIS, Governor.

On motion of McCarthy, seconded by Donlan, nominations made by the Governor are hereby confirmed by the Senate.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction of bills were today given:

By Whaley: A bill entitled, "An Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this state."

By Coit: A bill for an Act prohibiting the wearing of the uniform of the United States army or navy or National Guard, and providing a penalty for the violation thereof.

By Connelly: A bill for an Act to amend Chapter 106 of the Laws of 1905, being "An Act to provide for the construction of drains and assessment and collection of taxes therefor", by amending Sections 5 and 6, of Article I, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, and 19, of Article II, Sections 1, 2, 3, 4, of Article III, Sections 1, 2, 4, 6, and 9, of Article IV, Sections 1, 2, 3, and 4, of Article V, Section 6 of Article VI, and Section 18 of Article VIII thereof, and by a Section to Article II, thereof, to be known as Section 22, and by adding a Section to Article IV thereof, to be known as Section 10, providing for appeals for awards of special commissioners and assessments of Boards of Review, and repealing Sections 5, 11, and 12 of Article V thereof.

By Coit: A bill for an Act to establish a sub-station of the Agricultural Experiment Station to be located in Sweet Grass County, and authorizing the Governor and Secretary of State on behalf of the State to accept lands, materials and money donated for said purposes.

By Gray: A bill for an Act entitled, "An Act regulating the use of exhibits in evidence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day read first and second times and referred:

By Gray, H. B. No. 244: A bill for an Act relating to the deposit of funds in the hands of the State Treasurer, designating the depositories thereof, fixing the minimum rate of interest and to carry out the

provisions of the amendment to the State Constitution creating a state depository board.

Referred to Committee on State Boards and Officers.

By Frank, H. B. No. 245: A bill for an Act entitled, "An Act to provide for nonpartizan nominations for judicial offices."

Referred to Committee on Privileges and Elections.

By McCoy, H. B. No. 246: An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.

Referred to Appropriation Committee.

By Norton, by request, H. B. No. 247: A bill for an Act entitled, "An Act to amend Section 3245 of the Revised Codes of Montana, of 1907, relating to the salary of chief of police within cities."

Referred to Committee on Affairs of Cities.

By Christler, H. B. No. 248: A bill for an "Act to appropriate two hundred and fifty dollars for the payment of the deficiency claim of Dr. D. S. McKensie, for services as milk and meat inspector in Chouteau County, from December 1, 1904, to March 31, 1905, inclusive."

Referred to Appropriation Committee.

By Crouch, H. B. No. 249: A bill for an Act entitled, "An Act to provide for the submission to the qualified voters of any county the question whether bookmaking or pool selling, or the record or registering of bets or wagers, shall be allowed within said County."

Referred to Committee on Affairs of Cities.

By Berkin, H. B. No. 250: A bill for an Act entitled, An Act to amend Section 8557, of the Revised Codes of Montana, of 1907, relating to the Pollution of Streams, and to repeal Section 8558 of the Revised Codes of Montana, of 1907.

Referred to Judiciary Committee.

By Berkin, H. B. No. 251: A bill for an Act entitled, "An Act to repeal Section 1971 and amend Sections 1976 and 1977 of the Revised Codes of 1907, relating to hunting and fishing license, and issuing on account of the same.

Referred to Committee on Fish and Game.

By Bogart, H. B. No. 252: A bill for an Act to provide for the taxation of sleeping car companies, and providing the method of fixing the same."

Referred to Committee on Railroads and Transportation.

By MacGinniss, H. B. No. 153: A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of school physicians."

Referred to Committee on Sanitary Affairs.

By Arnett, H. B. No. 254: A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana, of 1907, relating to the organization of Cities and Towns."

Referred to Committee on Affairs of Cities.

By Cluston, by request, H. B. No. 255: A bill for an Act entitled, "An Act to amend Sections 3386 and 3387 of Article X, of Chapter III,

Title III, Part IV, of the Revised Codes of Montana," relating to the assessment of city property for street improvements.

Referred to Committee on Affairs of Cities.

By Committee on Privileges and Elections, H. B. No. 256: Being a bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana, of 1907, relating to the division of Cities and Towns into wards by City or Town Council."

Referred to Committee on Privileges and Elections.

By Thompson, H. B. No. 257: A bill for an Act to regulate the public service of stallions and jacks in Montana.

Referred to Committee on Live Stock and Public Ranges.

By MacGinniss, H. B. No. 258: A bill for an Act to amend Section 4213 of the Revised Codes of Montana, of 1907, relating to the fees of the Secretary of State for filing incorporation papers of co-operative associations.

Referred to Committee on State Boards and Officers.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bill was today introduced, read first and second time and referred:

By Pierson, H. B. No. 243: A bill for an Act entitled, "An Act to provide for the assessment of live stock, creating a migratory stock fund and providing for the collection and distribution of taxes thereon."

Referred to Committee on Towns and Counties.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that a Concurrent Resolution to-day offered by Woody, relative to the observance of Lincoln's Birthday which was adopted by the House and is herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by McDonnell, resolution concurred in by the Senate.

By unanimous consent, rules were suspended and Cockrell, McDonnell, and Everett, were granted permission to introduce bills without previous notice.

The following bills were introduced, read first and second times and referred.

By Edwards, Senate Bill No. 89: A bill for an Act entitled, "An Act to amend Section 1661, and Section 1664 of the Revised Codes of Montana, of 1907, relating to the duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection."

Referred to Committee on Judiciary.

By Everett, Senate Bill No. 90: A bill for an Act to amend Sections 4256, 4257, 4262, 4264, and 4266, of the Revised Codes of Montana, 1907, relating to the Cemetery Associations.

Referred to Committee on Counties, Towns and Municipal Corporations.

By McDonnell, Senate Bill No. 91: A bill for an Act entitled, "An Act requiring State Boards and State Officers to settle with the State Treasurer, and pay over to him moneys by them collected under authority of law, at least once each month, or when directed by the State Board of Examiners.

Referred to Judiciary Committee.

By McDonnell, Senate Bill No. 92: A bill for an Act entitled, "An Act to amend Section 188, of the Revised Codes of Montana, of 1907, relating to the quarterly reports of the State Treasurer."

Referred to Judiciary Committee.

By Long, Senate Bill No. 93: A bill for an Act entitled, "An Act relating to Banks and Banking and trust deposit and security companies, and creating a depositor's guaranty fund."

Referred to Committee on Corporations other than Municipal.

By Annin, Senate Bill No. 94: A bill for an Act entitled, "An Act to creatte the County of Stillwater, by designating and defining its boundaries, and to provide for its organization and government and to apportion the indebtedness existing between said County of Stillwater and the Counties of Carbon, Sweet Grass, and Yellowstone."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Cockrell, Senate Bill No. 95: A bill for an Act entitled, "An Act providing that the Coroner of the county wherein the state prison is located, may hold an inquest over the body of deceased prisoners, and providing for the expenses of such inquests."

Referred to Committee on Judiciary.

By Cockrell, Senate Bill No. 96: A bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of John Sullivan a prisoner in the state prison."

Referred to Committee on Finance and Claims.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 8, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bills numbered 50, 51, 52, 70, 78, and 87, beg leave to report that the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Notices of the introduction of bills were given as follows:

By Annin: A bill for an Act to amend Section 825 and 846, of the Revised Codes of Montana of 1907, providing for the instructions by the County Superintendent of Schools in regard to the preparation of the annual report of school district trustees, and providing for penalties

for failure to make such reports.

Cardwell gave notice that he would on to-morrow or some subsequent day introduce a bill.

The following communication from A. N. Yoder, Secretary of State, was received and read:

State of Montana,
Office of Secretary of State,
Helena, Montana:

February 6, 1909.

To the Honorable President and Senate of the Eleventh Legislative Assembly of the State of Montana.

I have the honor to lay before you Senate Joint Memorial No. 4, and Senate Joint Resolution No. 4, adopted by the Twenty-Fifth Legislative Assembly of the State of Oregon, sent to my office with the request that the same be transmitted to your Honorable Body.

Respectfuliy,
A. N. YODER, Secretary of State.

Senate Joint Memorial No. 4, referred to Committee on Roads, Highways and Bridges.

Senate Joint Resolution No. 4, referred to Committee on Privileges and Elections.

On motion of Meyer, seconded by McCone, House Amendments to Senate Bill No. 20, which reads as follows:

Amend Section 1, of Senate Bill No. 20, by striking out all of Section 1, and inserting in lieu thereof the following:

"Section 1. That Section 8689 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Section 8689. "Every person who, after mortgaging any personal property except railroad locomotives, railroad engines, rolling stock of a railroad, steamboat machinery in actual use, and vessels, removes or causes to be removed, or permits the removal of such mortgaged property from the County, where it is situated at the time it was mortgaged without the written consent of the mortgagee, with the intent to deprive the mortgagee, of his claim thereto and interest therein; and every person who, after mortgaging any personal property of any kind or character whatsoever, voluntarily sells or transfers any such mortgaged property without the written consent of the mortgagee, and with intent to defraud such mortgagee of his claim thereto, and interest therein, all with the intent to defraud the purchaser, thereof, of any money or thing of value, is guilty of larceny", were concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Donlan, Everett, Fairbanks, Haviland, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romeny, Sanders, Selway, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Albright, Cowgill, Daly, Edwards, Kessler, Long, Metcalf, Truscott.—8.

S. B. No. 20, referred to Engrossing Committee.

On motion by unanimous consent bills were read a third time by title only considered read at length.

S. B. No. 5, read a third time and passed by the following vote:

Ayes: Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Meyer, McCone, Rae, Selway, Sykes, Tooley.—13.

Noes: Cardwell, Cockrell, Conrow, Long, Muffley, McDonnell, Romney, Sanders.—8.

Absent and not voting: Albright, Daly, Haviland, McCarthy, Truscott, Metcalf.—6.

Title agreed to.

S. B. No. 60, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Fairbanks, Haviland, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Albright, Daly, Kessler, Metcalf, Truscott. —5.

Title agreed to.

S. B. No. 62, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Donlan, Everett, Fairbanks, Haviland, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—20.

Noes: Cowgill.

Absent and not voting: Albright, Edwards, Kessler, Metcalf, Truscott.—5.

Title agreed to.

S. B. No. 64, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley.—21.

Noes: Sanders.—1.

Absent and not voting: Albright, Daly, Long Metcalf, Truscott.—5.

Title agreed to.

S. B. No. 66, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Albright, Daly, Donlan, Metcalf, Truscott.—5.

Title agreed to.

S. B. No. 67, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes.—20.

Noes: Donlan, Selway, Tooley.—3.

Absent and not voting: Albright, Daly, Metcalf, Truscott.—4.

S. B. No. 68 read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Albright, Daly, Donlan, Metcalf, Truscott.—5.

Title agreed to.

S. B. No. 71, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—23.

Noes: None.

Absent and not voting: Albright, Daly, Metcalf, Truscott.—4.

Title agreed to.

H. B. No. 80, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—20.

Noes: None.

Absent and not voting: Albright, Daly, Metcalf, McCarthy, Romney, Truscott, Donlan.—7.

Title agreed to.

H. B. No. 97 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Albright, Daly, Edwards, Metcalf, Truscott.—5.

Title agreed to.

H. B. No. 47, concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Albright, Daly, Edwards, Fairbanks, Metcalf, Truscott.—6.

Title agreed to.

H. B. No. 5, concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Albright, Daly, Edwards, Fairbanks, Metcalf.—5.

Title agreed to.

On motion of Donlan, seconded by McCone,, Senate adjourned at 4:05 P. M., until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Seventh Day.

Helena, Montana, February 9, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 20, beg leave to report as follows: that same has been correctly engrossed and is herewith returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by McCone, report adopted and bill referred to Enrolling Committee.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 74 and 81, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and Bills referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill numbered 67, a bill for an Act entitled, "An Act to amend Sections 2313, 2315 and 2318, of Part III, Title X, Chapter I, of the Political Code, relating to the Election of Directors in Irrigation Districts", beg leave to report as follows: That we have had the same under consideration, and recommend that Senate Substitute for House Bill No. 67, do pass.

Respectfully,

ALBRIGHT, Chairman.

On motion of Albright, seconded by Muffley, report adopted and Bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Live Stock and Grazing, to whom was referred Senate Bill No. 88, introduced by Selway, a bill for an Act entitled, "An Act to amend Section 1794 of the Revised Codes of Montana, of 1907, relating to the exhibiting of hides of slaughtered cattle, by prohibiting the slaughtering of cattle on the public ranges, and providing that they shall be slaughtered only on the premises owned or occupied by the persons slaughtering the same or on which he has received a permit so

to do," having had the same under consideration, beg leave to report as follows, recommend that the bill do pass.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Live Stock and Grazing, to whom was referred House Bill No. 78, introduced by Coit, a bill for an Act entitled, "An Act to amend Sections 8474 and 8475 of the Revised Codes of Montana, 1907, making it unlawful to herd or drive livestock upon anothers land, providing penalties therefor, and give a right of action for damages," having had the same under consideration, beg leave to report as follows: Recommend that the same be indefinitely postponed.

Respectfully,

SELWAY, Chairman.

On motion of McCone, seconded by Selway, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill No. 40, a bill for an Act entitled, 'An Act to amend Sections 2054, and 2055, of the Revised Codes of Montana, 1907, relating to the letting of contracts by County Commissioners for the care, support and maintenance of the county poor," beg leave to report as follows: That we have had same under consideration, and by amending Section 1, by striking out after the word period "not exceeding three years," and insert in lieu thereof the words "of not less than one nor more than two years," recommend that the same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by Tooley, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred Senate Bill number 75, being a bill for an Act entitled, "An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana," beg leave to report and recommend that it do pass.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by McCarthy, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 42, introduced by Hutchinson, a bill for an Act entitled, "An Act to amend Section 1305 of the Revised Codes of Montana of 1907, relating to the salary of the Chaplain of the Soldiers' Home," beg leave to report that we have had same under consideration, and recommend that it be amended by striking out the word "fifteen" and insert in lieu thereof the word "ten" and by striking out the words "twenty-five" and insert in lieu thereof the word "fifteen," and that as so amended it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Everett, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 87, introduced by Kelsey, a bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claim of a certain person," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 104, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of certain notary public fees erroneously collected," beg leave to report that we have had the same under considration and rcommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 106, introduced by Committee on Appropriations, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims, account requisitions," beg leave to report that we have had same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Fairbanks, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill No. 96, introduced by Cockrell, a bill for an Act entitled, "An Act appropriating money for the payment of Powell County for the prosecution of one John Sullivan, a prisoner in the State prison," beg leave to report that we have had the same under consideration and recommend that it do pass.

Respectfully,

McCONE, Chairman.

On motion of Cockrell, seconded by Romney, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 79, introduced by Romney, a bill for an Act appropriating money for the payment of the expenses of Dr. H. T. Ricketts, when investigating the cause and cure of spotted fever, beg leave to report that we have had the same under consideration and recommend that it do pass.

Respectfully

McCONE, Chairman.

On motion of McCone, seconded by Romney, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction of bills were today given:

By Berkin: A bill for an Act entitled, "An Act to prohibit the indiscriminate scattering of poisoned grain upon the ground and providing penalties for the violation thereof."

By McCoy: A bill for an Act entitled, "An Act to amend Section 1482 of the Revised Codes of Montana of 1907, relating to the regulating of the State Board of Health in respect to the lighting and ventilating of public buildings."

By Maxwell: A bill for an Act entitled, "An Act to enable qualified electors to vote by mail."

By Smith: A bill for an Act entitled, "An Act to amend Section 4885, Revised Codes, 1907, of the State of Montana, relating to the term of office of the water commissioners."

By Shoemaker: A bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana relating to the power of County Commissioners to reject bids for the care of the poor, and to provide for the employment of a superintendent and his duties and

compensation."

By Woody: A bill for an Act entitled, "An Act making an appropriation for the furnishing of a library building at the State University at Missoula."

By Gray: A bill for an Act entitled, "An Act to exempt certain household good from taxation."

By Gray: A bill for an Act entitled, "An Act to provide for appropriation of eight thousand ($8,000.00) dollars from the fish and game fund for the purchase and distribution among the various counties of Hungarian pheasants."

By Hannifen: A resolution providing for the appointment of a joint committee to inspect the State Reform School at Miles City, Montana.

By Connelly: A bill for an Act entitled, "An Act to provide for a commission plan of city government for cities of the first and second class, providing for the election of officers thereunder, and defining their duties and powers, and providing for their compensation."

By Byrnes: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."

By Byrnes: A bill for an Act entitled, "An Act to prevent and punish frauds in the sale of blasting powder."

By Crouch: A bill for an Act entitled, "An Act prescribing the maximum fees to be charged by physicians, defining the word physician, and providing penalties for the violation thereof."

By Edgerton: A bill for an Act entitled, "An Act providing for the registration of electors in counties, cities and towns, and providing penalties for the violation thereof."

By Hayes: A bill for an Act entitled, "An Act to amend an Act to determine the liability of persons or corporations operating railways or railroads in this State, for damages sustained by the employees thereof, and to declare void contracts restricting such duties."

By Hammond: A motion amending the rules of the House.

By Hutchinson: A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stated, wherein adulteration and misbranding of foods exist, and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county health officers, local and county food inspectors, regulating the slaughtering of animals and their preparation of food, regulating the purity of milk and directing the manner in which the same shall be handled, providing for a certificate of health for dairy cattle, providing an appropriation for enforcing the provisions of this Act and the rules and regulations of the State Board of Health made in conformity herewith, repealing Acts and parts of Acts in conflict herewith.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred:

By Coit, H. B. No. 259: A bill for "An Act prohibiting the wearing of the uniform of the United States army or navy or National Guard, and providing a penalty for the violation thereof."

Referred to Committee on Military Affairs.

By Coit, H. B. No. 260: A bill for an Act to establish in Sweet Grass County, Montana, and providing for the acquisition or acceptance of title to the lands for the same, and the direction thereof, and appropriating money therefor.

Referred to Committee on Appropriations.

By Clayberg, H. B. No. 251: A bill for an Act entitled, "An Act to amend Section 5813 of the Revised Codes of Montana, 1907, and to repeal Section 5818 of the Revised Codes of Montana of 1907, relating to the issuance of execution."

Referred to Judiciary Committee.

By Byrnes, H. B. No. 262: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand stand of the Montana State Fair."

Referred to Appropriation Committee.

By Byrnes, H. B. No. 263: A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars."

Referred to Committee on Railroads and Transportation.

By Whaley, H. B. No. 264: A bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights from the streams of this State.

Referred to Committee on Irrigation and Waterways.

By Gray, H. B. No. 265: A bill for an Act entitled, "An Act to amend Section 9749 of the Revised Codes of Montana of 1907, realting to the use of exhibits as evidence."

Referred to Judiciary Committee.

By Norton, by request, H. B. No. 266: A bill for an Act entitled, "An Act to amend Section 3240 of the Revised Codes of Montana of 1907, relating to the salaries of mayor and aldermen of cities and towns."

Referred to Committee on Affairs of Cities.

By MacGinniss, H. B. No. 267: A bill for an Act to punish the giving of checks or drafts on any bank or depositary wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 268: A bill to punish derogatory statements affecting banks.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 269: A bill for an Act relating to the payment of deposits in two names.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 270: A bill for an Act to amend Section 5923 of the Revised Codes of Montana relating to the payment of instruments made payable at a bank.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 271: A bill for an Act to punish the making or use of false statements to obtain credit.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 272: A bill for an Act fixing the liability of a bank to its depositor for payment of forged or raised checks.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 273: A bill for an Act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations.

Referred to Committee on Banks and Banking.

By MacGinniss, H. B. No. 274: A bill for an Act to amend Section 4213 of the Revised Codes of Montana of 1907, relating to the fees of the Secretary of State for filing incorporation papers of co-operative associations.

Referred to Committee on State Boards and Officers.

By Berkin, H. B. No. 275: A bill for an Act entitled, "An Act to amend Section 1965 of the Revised Codes of Montana of 1907, authorizing and empowering the State Game and Fish Warden to create additional game and fish districts, and to appoint additional special deputy game and fish wardens.

Referred to Committee on Fish and Game.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 26 was today read a third time and passed, title agreed to, and is herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 8, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bills numbered 47 and 42 were today read a third time and concurred in and are herewith returned.

Also H. Bs. numbered 58, 71, 93, 95, 105, 103, and 164 were to-day read a third time and passed and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

By unanimous consent, Sanders, Tooley and Cockrell were given permission to introduce bills without previous notice, also Long was given permission to introduce a concurrent resolution.

On first reading of House bills Donlan objected to the consideration of House Bill No. 26, whereupon the President put the question, "Shall House Bill No. 26 be rejected?" On vote objection sustained.

The following House bills were read first and second times and referred:

By Mitchell, H. B. No. 164: A bill for an Act entitled, "An Act to prohibit the manufacture, making, sale, exchange, barter, disposition of, giving away, or keeping for sale any cigarettes, cigarette papers, wrappers, or any papers or wrappers, prepared for the purpose of being filled with tobacco for smoking, and prescribing penalties therefor."

Referred to Committee on Public Morals.

By Kelsey, H. B. No. 123: A bill for an Act entitled, "An Act to amend Section 1815 of the Revised Codes of Montana, 1907, relating to the record of horses and other live stock sold at public markets."

Referred to Committee on Stock Growing and Grazing.

By Kilgallon, H. B. No. 145: A bill for an Act entitled, "An Act appropriating the sum of $2500.00 to aid in stocking a bison range within the limit of the State of Montana."

Referred to Committee on Finance and Claims.

By Cummings of Chouteau, H. B. No. 58: A bill for an Act entitled, "An Act to amend Sections 1287, 1288 and 1895 of the Revised Codes of Montana, relating to Soldiers' Home.",

Referred to Committee on Public Buildings.

By Clayberg, H. B. No. 95: A bill for an Act entitled, "An Act to amend Section 5656 of the Revised Codes of Montana, providing when attachments may issue."

Referred to Committee on Judiciary.

By Gray, by request, H. B. No. 93: A bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of Montana, relating to the power of corporations to change the corporate name."

Referred to Committee on Corporations other than Municipal.

By Warren, by request, H. B. No. 71: A bill for an Act entitled, "An Act regulating the hours of labor in all state institutions."

Referred to Committee on Public Buildings.

The following Senate bills were this day introduced, read first and second times and referred:

By Annin, Senate Bill No. 97: A bill for an Act to amend Sections 825 and 846 of the Revised Codes of Montana, 1907, and providing for instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of school district trustees, and providing for penalties for the failure to make such reports.

Referred to Committee on Education.

By Tooley, Senate Bill No. 98: A bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes in relation to the election of school trustees, and the classification of school districts."

Referred to Committee on Education.

By Cockrell, by request, Senate Bill No. 99: A bill for an Act to amend Section 2047 of the Revised Codes of Montana of 1907, relating

to local option.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Cardwell, Senate Bill No. 100: A bill for an Act to amend Section 1171, of the Revised Codes of Montana, 1907, relating to the admission, care and retention, of persons and children in the Montana School for the deaf, blind and feeble minded at Boulder, Montana.

Referred to Committee on Public Buildings.

By Sanders, Senate Bill No. 101: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana, for each political party in said state.

Referred to Committee on Elections and Privileges.

By Long, Senate Concurrent Resolution No. 2: Relating to the creation of Glacier Park.

Referred to Committee on Federal Relations.

Long arose to a point of order, that House Bill No. 26 must be read and referred to a Committee.

The president ruled that the point of order was not well taken.

Long appeals from the decision of the president.

Meyer demanded a call of the Senate.

Call of the Senate resulted in the following members being present:

Present: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Absent: Donlan, Muffley.—2.

The president instructed the Sergeant at Arms to bring the absent members to the Senate.

On second roll call all members being present the president was sustained in his ruling by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Toley.—17.

Noes: Cardwell, Cockrell, Conrow, Daly, Haviland, Long, Muffley, McCarthy, Romney, Truscott.—10.

Absent and not voting: None.

Long raised to the point of order that under Rule VIII an objection must be made to the bill.

President ruled that objection had already been made.

Whereupon Long appealed from the ruling of the president, and demanded roll call.

Ruling of the president was sustained by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—17.

Noes: Cardwell, Cockrell, Conrow, Daly, Haviland, Long, Muffley, McCarthy, Romney, Truscott.—10.

Absent and not voting: None.

Romney moved, seconded by Long, that the vote by which House Bill No. 26 was rejected be reconsidered.

Donlan moved as a substitute, seconded by Tooley, that the motion be laid on the table.

Substitute motion prevailed and motion was laid on the table by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everett, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Selway, Tooley.—14.

Noes: Cardwell, Cockrell, Conrow, Daly, Haviland, Long, Muffley, McCarthy, Romney, Sanders, Sykes, Truscott.—12.

Absent and not voting: Fairbanks.—1.

Notices of the introduction of bills were given as follows:

Long gave oral notice that he would on tomorrow or some subsequent day introduce a bill providing for direct vote for Senators in Congress for the State of Montana.

By Romney: A bill for an Act entitled, "An Act to provide for party nominations by direct vote."

By Edwards: A bill for an Act entitled, "An Act to create the County of Musselshell, designating and defining its boundaries, and to provide for its organization and government and apportion the indebtedness existing between the said County of Musselshell, and the Counties of Yellowstone and Fergus.

Edwards moved that the Secretary be instructed to instruct all Senate employees to report for duty each day of the week from Monday to Saturday inclusive, at 10 A. M. until the end of the Session.

Referred to Committee on Rules.

On motion of Donlan, seconded by McDonnell, Senate resolved itself into a Committee of the Whole for the consideration of bills on General File, with,

Edwards in the chair.

Committee arose.

Senate rsumed.

President in the chair.

Edwards, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 50, be amended in Section 1, line 10 by substituting the word "Governor" for the word "Government", and as amended the bill do pass.

S. B. No. 51, be amended in Section 6, line 61, by striking the word "third" and substituting therefore the word "second", and as amended that the bill do pass.

S. B. No. 52, do pass.

S. B. No. 70, do pass.

S. B. No. 78, do pass.

S. B. No. 87, do pass.

S. B. No. 23, be amended in the title by striking out in the last line, the word "and" before the word "state", and substitute in lieu thereof a "comma",, and striking out after the word "Treasurer" the "period" and substituting in lieu thereof the words "and superintendent", making the title read as follows: "An Act to amend Sections 149, 168, 194, 186, 175, of the Revised Codes of Montana, 1907, relating to the salary of the Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, and Superintendent of Public Instruction, and as amended that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, seconded by Edwards, report adopted, and Senate Bills numbered 50, 51, 52, 70, 68, 87, 23, referred to Engrossing Committee.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 9, 1909.

Mr. President:

Your Committee on Engrossed Bills, beg leave to report Senate Bill No. 23 as correctly engrossed, and the same is herewith returned to the Senate.

On motion of Kessler, seconded by Meyer, report of the Committee adopted and bill referred to Calendar for third reading.

By unanimous consent, Senate Bills considered read a third time at length read by title only.

S. B. No. 22 not passed by the following vote:

Noes: Albright, Annin, Cardwell, Conrow, Cowgill, Donlan, Edwards, Meyer, Everett, Haviland, Kessler, Metcalf, McCone, Selway, Sykes, Tooley.—16.

Ayes: Cockrell, Muffley, McCarthy, McDonnell, Rae, Romney, Truscott.—7.

Absent and not voting: Daly, Fairbanks, Long, Sanders.—4.

S. B. No. 23 not passed by the following vote:

Ayes: Cardwell, Cockrell, Donlan, Everett, Kessler, Long, Muffley, McCarthy, Rae, Romney, Truscott.—11.

Noes: Albright, Annin, Conrow, Cowgill, Edwards, Haviland, Metcalf, Meyer, McCone, McDonnell, Sanders, Selway, Sykes, Tooley.—14.

Absent and not voting: Daly, Fairbanks.—2.

On motion of Donlan, seconded by Tooley, Miss Luella Watson was appointed as clerk to the Enrolling Committee, and Miss Lela L. Bryant was appointed as clerk to the Printing Committee.

On motion of Donlan, seconded by Albright, the Senate at 3:55 P. M. adjourned until 2 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Eighth Day.

Helena, Montana, February 10, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bills numbered 78, 70, 87, and 50, beg leave to report that same have been correctly engrossed, and are herewith returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Live Stock and Grazing, to whom was referred House Bill No. 123, introduced by Kelsey, entitled, "An Act to amend Section 1815 of the Revised Codes of Montana, 1907, relating to the record of horses and other live stock sold at public markets," having had the same under consideration, and recommend that same be concurred in.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by McCone, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill numbered 31, being a bill for an Act entitled, "An Act to declare and make the 12th day of October of each year a public holiday, to be known as 'Columbus Day,'" having had the same under consideration, beg leave to report and recommend that the same be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, duly seconded, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill numbered 74, being a bill for an Act entitled, "An Act to declare the 12th day of February in each year to be a legal holiday, to be known and designated as Lincoln's Birthday,'" beg leave to report and recommend that he same be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Albright, seconded by Tooley, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 77, a bill for an Act entitled, "An Act requiring directors of corporations to file acceptance of office, and to amend Section 3835 of the Revised Codes of Montana of 1907, relating to election of directors," having had the same under consideration, beg leave to report as follows:

That the bill be amended by substituting for the title of said bill in lieu of the title now appearing the following:

"A bill for an Act requiring persons elected as directors of corporations to file acceptance of office; forbidding corporations to hold out anyone as a director without such acceptance having been filed, and amending Section 3835 of the Revised Codes of Montana of 1907, relating to the election of directors, and fixing penalties."

And amend Section 1 of said bill by addition to Section 1 thereof immediately after the word "terms," where the same occurs at the close of said Section 1, the following:

"Any corporation advertising or holding out any person as a director there, who has not filed such acceptance, and any person who shall act, claim or pretend to be a director of any corporation before filing such acceptance, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five thousand ($5000.00) dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment."

And as so amended that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Albright, seconded by Edwards, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 38, 56, 76, 86, and Senate Substitute for House Bill No. 67, beg leave to report that the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

On motion, report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 90, a bill for an Act to amend Sections 4256, 4257, 4262, 4264 and 4266 of the Revised Codes of Montana, 1907, relating to cemetery associations, beg leave to report as follows:

That we have had same under consideration and recommend that

the same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by Donlan, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 26, introduced by Cowgill, being a bill for an Act entitled, "An Act to amend Section 867, Revised Codes of Montana, 1907, relating to the transfer of school moneys from one district to another," was today reported back from the Judiciary Committee with the recommendation that Senate Bill No. 26 be not concurred in.

Report adopted and Senate Bill No. 26 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 10, introduced by Edwards, being a bill for an Act entitled, "An Act to give boards of county commissioners power to offer rewards for the apprehension and conviction of persons committing crimes; to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party," was today read a third time and not concurred in.

Senate Bill No. 10 is herewith transmitted to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Joint Resolution No. 10, under suspension of the rules, was this day adopted and is herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by McDonnell, resolution concurred in and President announced that he would appoint a committee from the Senate to inspect the State Reform School at Miles City.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred:

By Pierson, H. B. No. 276: A bill for an Act entitled, "An Act to amend Section 1805 of the Revised Codes of Montana of 1907, relating to the inspection of horses before removal from the State."

Referred to Committee on Live Stock and Public Ranges.

By Pierson, H. B. No. 277: A bill for an Act to define banking, to prohibit banking except by banks incorporated under National or Montana banking laws, or by foreign banking corporations complying with Montana laws, limiting use of word "bank," "banker," or "banking," exempting private banks doing business January 31, 1909, from the Act, and fixing a penalty for violation thereof."

Referred to Committee on Banks and Banking.

By Connelly, H. B. No. 278: A bill for an Act to amend Chapter 106 of the Laws of 1905, being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor", by amending Sections 5 and 6, of Article 1, Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, and 19, of Article II, Section 1, 2, 3, and 4, of Article III, Sections 1, 2, 3, 4, 6, and 8, of Article IV, Sections 1, 2, 3, and 4, of Article V, Section 6, of Article VI, and Section 18, of Article VIII, thereof, and by adding a Section to Article II, thereof to be known as Section 22, and by adding a Section to Article IV, thereof to be known as Section 10, providing for appeals from awards of special commissioners and assessments of Boards of Review and repealing Sections 5, 11, and 12, of Article V, thereof."

Referred to Judiciary Committee.

By Gray, H. B. No. 279: A bill for an Act entitled, "An Act to amend Section 2499, of the Revised Codes of Montana, of 1907, relating to exemptions from taxation."

Referred to Judiciary Committee.

By Byrnes, H. B. No. 280: A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant or blasting powder."

Referred to Committee on Mines and Mining.

By Byrnes, H. B. No. 281: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."

Referred to Committee on Mines and Mining.

By Shoemaker, H. B. No. 282: A bill for an Act entitled, "An Act to amend Section 2057 of the Revised Codes of Montana, relating to the power of the Board of County Commissioners to reject bids for the care of the poor and to provide for the employment of a superintendent, and his duties and compensation."

Referred to Judiciary Committee.

By Smith, H. B. No. 283: A bill for an Act to amend Section 4885 Revised Codes, 1907, of the State of Montana, relating to the terms of office of the Water Commissioners."

Referred to Committee on State Boards and Officers.

By Hayes, H. B. No. 284: A bill for an Act entitled, "An Act to amend and Act to determine the liability of persons or corporations operating railways or railroads in this state, for damages sustained by employees thereof, and to declare void contracts restricting such liability."

Referred to Committee on Railroads and Transportation.

By Hutchinson, H. B. No. 285: A bill for an Act entitled, "An Act forbidding the manufacture, sale or offering for sale, of any adulterated

or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consists, and defining the duties of the State Board of Health in relation to foods and drugs, their inspection, purity and misbranding, constituting local and county food inspectors, regulating the slaughter of animals and their preparation for food, regulating the purity of milk, and directing the manner in which the same shall be handled, providing a certificate of health for dairy cattle, providing an appropriation for enforcing the provisions of this Act, and the rules and regulation of the State Board of Health, made in conformity herewith, repealing Acts and parts of Acts in conflict herewith.

Referred to Committee on Sanitary Affairs.

By McCoy, H. B. No. 286: A bill for an Act to amend Section 1482 of the Revised Codes of Montana, of 1907, relating to the regulations of the State Board of Health in respect to the lighting, heating and ventilating of public buildings.

Referred to Committee on State Institutions.

By Berkin, H. B. No. 287: A bill for an Act entitled, "An Act to prohibit the indiscriminate scattering of poisoned grain or other eatable substance upon the surface of the ground, where the same can be found and eaten by any bird, chicken or fowl, and providing penalties for the violation thereof."

Referred to Committee on Fish and Game.

By Hanifen, H. J. Resolution No. 10: Resolved that a Joint Committee consisting of three members of the House of Representatives, and two members of the Senate be appointed to inspect the State Reform School at Miles City, and to report to this assembly.

Read and adopted.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of introduction of bills were to-day given:

By Byrnes: A bill for an Act entitled, "An Act to provide for the selection of umpire assayers' within this state and providing penalties for the violation thereof."

By Burke: A bill for an Act entitled, "An Act appropriating money out of the fish and game fund to be used for the fish hatchery at Anaconda, Montana."

By Harbert: A bill for an Act requiring names of candidates for judicial and educational office to be placed in separate column on official election ballot.

By Norton: A bill for an Act to impose on contractors on state buildings and state works certain conditions as to labor and wages.

By Shoemaker: A bill for an Act entitled, "An Act relating to trust monopolies, and unlawful contracts, and combinations in restraint of trade, commerce and transportation facilities, and fixing the punish-

ment for infractions of the provisions thereof."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 9, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbers 115, 118, and 107, were to-day read a third time and passed and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

By unanimous consent Rae was given permission to introduce a bill without previous notice.

The following bill were to-day introduced, read first and second times and referred:

By Rae, S. B. No. 102: A bill for an Act entitled, "An Act to prohibit persons from bringing intoxicating liquors into houses of prostitution or causing the same to be done, and providing punishment for the same."

Referred to Committee on Public Morals.

By Everett, S. B. No. 103: A bill for an Act entitled, "An Act to amend Sections 6373 and 6376 of the Revised Codes of Montana, of 1907, being Sections 370, and 373, Part I, Title IV, of the Code of Civil Procedure of the State of Montana, of 1895, and repealing Section 6375, of the Revised Codes of Montana, 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure, of the State of Montana, of 1895, relating to stenographers of the District Court, their duties, qualification and compensation."

Referred to Committee on Judiciary.

By Romney, S. B. No. 104: A bill for an Act entitled, "An Act to provide for party nominations by direct vote."

Referred to Committee on Election and Privileges.

By Roy, H. B. No. 118: A bill for an Act entitled, "An Act to amend Section 882 of the Revised Codes of Montana, of 1907, relating to the letting of contracts by school trustees."

Referred to Committee on Education.

By MacGinniss, H. B. No. 115: A bill for an Act entitled, "An Act to regulate the practice of the profession of public accounting."

Referred to Corporations other than Municipal.

By Committee on Appropriations, H. B. No. 107: A bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof."

Referred to Committee on Finance and Claims.

By Cowgill, S. B. No. 105: A bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of the State of Montana, relative to registration of Births and Deaths."

Referred to Committee on Counties, Towns and Municipal Corporations.

On motion of Tooley, duly seconded, rules were suspended and

Senate Bills No. 31 and 74, were placed on General File.

On motion of Edwards, seconded by McDonnell, Senate Bills numbered 51, and 52 were taken from the Engrossing Committee, 58 from the Printing Committee, 69 from the Committee on Education, 50 from third reading and 56 from General File and referred to Committee on Judiciary.

On motion of Everett, seconded by Romney, the Committee report by which House Bill No. 78 was indefinitely postponed yesterday was reconsidered, and House Bill No. 78 re-referred to Committee on Stock-growing and Grazing.

Notice of the Introduction of a bill was given as follows:

By Kessler: A bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340, and 7341, of the Revised Codes of Montana relating to eminent domain."

On motion of Cockrell, duly seconded, Miss Mamie McCormick was appointed as a clerk to committee on Engrossed Bills.

On motion of Donlan, seconded by Tooley, Senate resolved itself into a Committee of the Whole for the consideration of bills on General File with,

Romney in the chair.

Committee arose.

Senate resumed.

President in the chair.

Romney, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee of the Whole, having had under consideraiton the General File of Bills, instruct me to report and recommend that,

S. B. No. 81, be indefinitely postponed.

H. B. No. 87, be taken from General File, and re-referred to Committee on Finance and Claims.

H. B. No. 104, be concurred in.

H. B. No. 106, be concurred in.

H. B. No. 40, be concurred in.

H. B. No. 42, be concurred in.

H. B. No. 31, be concurred in.

H. B. No. 74, be concurred in.

Respectfully,

ROMNEY, Chairman.

Romney moved, seconded by McCarthy, that report of Committee be adopted.

Donlan moved as an amendment, seconded by Edwards, that Senate Bill No. 81 be recommended for passage. Amendment motion lost and Committee of the Whole report adopted as read, and Senate Bill No. 81 indefinitely postponed, and House Bill No. 87 re-referred to Committee on Finance and Claims, House Bills numbered 104, 106, 40, 42, 31, and 74, referred to Calendar for Third Reading.

By unanimous consent, rules were suspended and bills on third

third reading considered read at length, read by title only.

S. B. No. 78, read a third time and passed by the following vote:

Ayes Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Albright, Daly, Fairbanks, Kessler, Muffley, Truscott.—6.

Title agreed to.

Senate Bill No. 70, read a third time and passed by the following vote:

Ayes Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Albright, Daly, Fairbanks, Muffley, Sanders, Truscott.—6.

Title agreed to.

S. B. No. 87, read a third time and passed by the following vote:

Ayes Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Albright, Daly, Fairbanks, Muffley, Sanders, Truscott.—6.

Title agreed to.

House Bill No. 106, read a third time and concurred in by the following vote:

Ayes Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley.—20.

Noes: None.

Absent and not voting: Albright, Daly, Fairbanks, Meyer, Muffley, Sanders, Truscott.—7.

Title agreed to.

H. B. No. 104, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Haviland, Kessler, Metcalf, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Albright, Daly, Edwards, Fairbanks, Long, Meyer, Muffley, Truscott.—8.

Title agreed to.

H. B. No. 42, concurred in by the following vote:

Ayes: Annin, Cardwell, Cowgill, Daly, Everett, Kessler, Long, Metcalf, McCone, McDonnell, Romney, Sanders, Sykes, Tooley.—14.

Noes: Conrow, Donlan, Edwards, Haviland, McCarthy, Rae, Selway.—7.

Absent and not voting: Albright, Cockrell, Fairbanks, Meyer, Muffley, Truscott.—6.

Title agreed to.

H. B. No. 40, read a third time and concurred in by the following vote:

Ayes: Cardwell, Conrow, Daly, Donlan, Haviland, Kessler, Meyer, Muffley, McCarthy, McDonnell, Romney, Sanders, Sykes, Tooley.—14.

Noes: Annin, Cockrell, Cowgill, Edwards, Everett, Long, Metcalf, Rae, Selway.—9.

Absent and not voting: Albright, Fairbanks, McCone, Truscott.—4.

Title agreed to.

H. B. No. 31, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley.—19.

Noes: Cowgill, Edwards, Selway.—3.

Absent and not voting: Albright, Fairbanks, Everett, McCone, Truscott.—5.

Title agreed to.

H. B. No. 74, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley.—19.

Noes: Cowgill, Edwards, Selway.—3.

Absent and not voting: Albright, Fairbanks, Everett, McCone, Truscott.—5.

Title agreed to.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, February 10, 1909.

Mr. President:

Your Committee on Enrolled Bills to whom was referred Senate Bills numbered 20, and 42, beg leave to report as follows: The same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and president gave notice that he was about to sign Senate Bills numbered 20, and 42, and signed same in open session.

On motion of Danlan, seconded by McDonnell, Senate adjourned at 4:30 P. M. until 2 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Thirty-Ninth Day.

Helena, Montana, February 11, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 47, beg leave to report as follows: Same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted, and the president gave notice that he was about to sign Senate Bill No. 47, and signed same in open session.

The president appointed Metcalf and Conrow to act with a like committee from the House to investigate the Reform School at Miles City, Montana.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 89, introduced by Edwards, a bill for an Act entitled, "An Act to amend Section 1661 and Section 1664, of the Revised Codes of Montana, of 1907, relating to the duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection, having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully

EDWARDS, Chairman.

On motion of Edwards, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 95, introduced by Cockrell, a bill for an Act entitled, "An Act providing that the coroner of the county wherein the satte prison is located, may hold an inquest over the body of deceased prisoners, and providing for the expenses of such inquests," having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Cockrell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 91, introduced by McDonnell, a bill for an Act entitled, "An Act requiring state boards and state officers to settle with the State Treasurer, and pay over to him money by them collected under authority of law, at least once each month or when directed by the Board of Examiners, having had the same under consideration beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 92 introduced by McDonnell, a bill for an Act entitled, "An Act to amend Section 188 of the Revised Codes of Montana, 1907, relating to the quarterly report of the State Treasurer," having had the same under consideration, beg leave to report as follows:

Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 103, introduced by Edwards, a bill for an Act to amend Sections 6373 and 6376 of the Revised Codes of Montana of 1907, being Sections 370, and 373, Part I, Title IV, of the Revised Codes of Civil Procedure of the State of Montana, of 1895, and repealing Section 6375, of Revised Codes, of Montana, of 1907, being Section 372, Part I, Title IV, of the Code of Civil Procedure of the State of Montana, of 1895, relating to Stenographers of the District Courts, their duties, qualifications and compensation, having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be printed.

Respectfully,

EDWARDS, Chairman.

On motion of Tooley, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Public Buildings, to whom was referred Senate Bill numbered 100, being a bill for an Act entitled, "An Act to amend Section 1171 of the Revised Codes, of Montana, of 1907, relating to the admission, care, and retention of persons and children in the Montana School for the deaf, blind, and feeble minded, at Boulder, Montana, beg

leave to report and recommend that the same do pass.

Respectfully,

METCALF, Chairman.

On motion of Metcalf, seconded by Annin, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Public Buildings, to whom was referred House Bill numbered 58, being a bill for an Act entitled, "An Act to amend Sections 1287, 1288 and 1295 of the Revised Codes of Montana, relating to the Soldiers' Home," having had under consideration House Bill No. 58, beg leave to recommend that same be concurred in.

Respectfully,

METCALF, Chairman.

On motion of Metcalf, seconded by Sanders, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 61, 75, 79, 96, 88, and Senate Concurrent Resolution No. 1, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 97, "A bill for an Act to amend Sections 845 and 846 of the Revised Codes of Montana of 1907, and providing for instruction by the County Superintendent of Schools in regard to the preparation of the annual reports of school district trustees and providing for penalties for the failure to make such reports," beg leave to report as follows: That we have had same under consideration and recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 98, a bill for an Act entitled, "An Act to amend Section 850 of the Revised Codes, in relation to the election of school trustees and the classification of school districts," beg leave to report as follows: That we have had same under consideration and recommend that the bill do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Metcalf, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill No. 85, beg leave to report as follows: Respectfully recommend that said Senate Bill No. 85, introduced by Muffley, and the purport of which is to regulate and control telegraph and telephone companies, and place the same under the control of the Board of Railroad Commissioners of this State, be amended in Section 6 thereof by substituting the word "and" for the word "or" in the third line of page 7, and striking out after the word "state" in line 3 on page 7, the words "and also in each booth, room or place where it maintains a long distance instrument or instruments," and substituting therefor the following, "and in all places where such company maintains an exchange," and as thus amended recommend that the bill do pass.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by McCone, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred Senate Bill numbered 93, beg leave to reports as follows: A majority of said committee recommend that said Senate Bill No. 93, being a bill for an Act entitled, "An Act relating to banks and banking and trust deposit and security companies, and creating a depositors' guarantee fund," be indefinitely postponed.

Respectfully,

MEYER, Chairman.

Moved by Meyer, seconded by Kessler, that report be adopted.

McCarthy moved as an amendment, seconded by Long, that the bill be referred to the Printing Committee.

Long demanded roll call, and amendment lost by the following vote:

Ayes: Cardwell, Cockrell, Conrow, Daly, Haviland, Long, Muffley, McCarthy, Rae, Romney, Truscott.—11.

Noes: Albright, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCone, McDonnell, Sanders, Selway, Sykes, Tooley.—15.

Absent and not voting: Annin.—1.

Original motion carried, report adopted, and bill indefinitely postponed.

The President announced that he was about to sign House Bills numbered 80, 5, 56, 79 and 76, and signed same in open session.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations,

to whom was referred Senate Bill numbered 105, a bill for an Act entitled, "An Act to amend Section 1776 of the 1907 Revised Statutes of the State of Montana, relative to registration of births and deaths," beg leave to report as follows: That we have had same under consideration and recommend that same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill No. 99, a bill for an Act to amend Section 2047 of the Revised Codes of Montana of 1907, relating to local option," beg leave to report as follows: That we have had the same under consideration and recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 2, "Relating to the creating of Glasier Park," having had same under consideration, respectfully report and recommend that same do pass.

Respectfully,

McCARTHY, Chairman.

On motion of Albright, seconded by Sanders, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Agriculture and Manufacture, to whom was referred Senate Bill numbered 63, beg leave to report as follows: Said committee recommends the following amendments to said bill:

A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1580, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal certain sections relating to the practice of dentistry in the State, and to provide for further regulations with reference to the practice of dentistry in the State of Montana," and as amended the bill do pass.

Respectfully,

McDONNELL.

Committee amendments to Senate Bill No. 63 are as follows:

Substitute for the title the following: A bill for an Act entitled, "An Act to amend Sections 1575, 1576, 1577, 1581, 1582 and 1584 of the Revised Codes of the State of Montana, and to repeal Section 1580 of the Revised Codes of the State of Montana, relating to the practice of

dentistry in this State."

Strike out all of Section 4 and insert in lieu thereof the following: "That Section 1580 of the Revised Codes of the State of Montana be and is hereby repealed."

Amend Section 3 in line 8 by striking out the word "ten" after the word "four" and insert in lieu thereof the word "five."

Amend Section 6 by inserting the word "the" after the word "when" in line 8.

Amend Section 6 by striking out the letter "s" in the word "certificate" in lines 16 and 17, and inserting in place thereof the letter "c".

Amend Section 7 by striking out the word "registrate" in line 5 and inserting in lieu thereof the word "registration," and also by striking out the word "to" after the word "on" in line 5.

Amend Section 9 by inserting the word "section" before the figure 9 in line 1.

On motion of McDonnell, seconded by Edwards, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 10, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Joint Resolution No. 11, introduced by Harbert, was this day passed by the House and is herewith transmitted.

On motion of Donlan, seconded by Kessler, the resolution was received and read and referred to Committee on Privileges and Elections.

Respectfully

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 11, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 21, introduced by Meyer, being a bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal cases, was today reported back by Committee of the Whole, with recommendation that the bill be not concurred in. Report adopted and Senate Bill No. 21 is herewith returned to the Senate.

Respectfully

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 5, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Sub. House Bill for Nos. 2 and 102 has this day passed the House and is herewith transmitted for the concurrence of the Senate.

Respectfully

CHAS. Z. POND, Chief Clerk.

Above communication was received from the House on February 9, returned to the House for correction February 10, and again received

in the Senate on February 11.

House of Representatives, Helena, Montana, February 11, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills have been introduced, read first and second times and referred:

By Committee on Live Stock and Public Ranges, Substitute for House Bill No. 52: A bill for an Act providing penalties for the taking up, using or disposing of horses, mules or asses, contrary to law.

Referred to Printing Committee.

By Committee on Affairs of Cities, Substitute for House Bill No. 55: A bill for an Act entitled, "An Act providing for the submission to the electors of the State of Montana, for their approval or objection, an amendment to Section VI, Article XIII, of the Constitution of the State of Montana, relating to the indebtedness of cities."

Referred to Printing Committee.

By Burke, H. B. No. 288: A bill for an Act entitled, "An Act to appropriate money from the fish and game fund for the completion of the State fish hatchery at Anaconda, Montana, and the maintenance and operation of the same, for the years 1909 and 1910.

Referred to Committee on Fish and Game.

By Byrnes, H. B. No. 289: A bill for an Act entitled, "An Act to provide for the selection of umpire assayers within this State, and providing penalties for the violation thereof."

Referred to Committee on Mines and Mining.

By Harbert, H. B. No. 290: A bill for an Act requiring names of candidates for judicial and educational offices to be placed in a separate column on official election ballot.

Referred to Committee on Privileges and Elections.

By Edgerton, by request, H. B. No. 291: A bill for an Act entitled, "An Act to make foreign corporations and joint stock companies, corporations and joint stock companies of this State, for purposes of jurisdiction, and to make the stocks and shares of such corporations and joint stock companies subject to attachment the same as the stocks and shares of domestic corporations are now subject to attachment under the laws of this State."

Referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 11, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction of bills were today given:

By Smith: A bill for an Act entitled, "An Act requiring persons who treat communicable diseases to make reports to the health officer."

By Duncan: A bill for an Act to amend Section 6520 of the Revised

Codes of Montana, 1907, relating to the service of summons by publication.

Respectfully,
CHARLES Z. POND, Chief Clerk.

By unanimous consent Edwards was granted permission to introduce a bill without previous notice.

The following bills were introduced, read first and second times, and referred:

By Committee on Affairs of Cities, Substitute for House Bills Nos. 2 and 102: A bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Kessler, Senate Bill No. 106: A bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340 and 7341 of the Revised Codes of Montana, relating to eminent domain."

Referred to Committee on Judiciary.

By Edwards, Senate Bill No. 107: A bill for an Act entitled, "An Act providing the conditions under which foreign mortgage and loan corporations, or joint stock companies, may transact business in the State of Montana."

Referred to Judiciary Committee.

Notice of the introduction of a bill was given as follows:

By Sykes: A bill for an Act requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien.

On request of Tooley, C. Rader, watchman, is excused from duty from 3 until 11 P. M. tomorrow.

On motion of Donlan, seconded by McDonnell, Senate resolved itself into a Committee of the Whole for the consideration of bills on General File, with Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instructs me to report and recommend that:

S. B. No. 38, be re-referred to Committee on Counties, Towns and Municipal Corporations.

S. B. No. 76, do pass.

S. B. No. 86, be amended in Section 1, by adding in line 2 after the word "incurred" the words "not to exceed fifty dollars in any one month", and as so amended that the bill do pass.

Senate Substitute for House Bill No. 67, do pass.

H. B. No. 125, be concurred in.

Respectfully,

TRUSCOTT, Chairman.

On motion of Truscott, seconded by Donlan, report of the Committee of the Whole was adopted and Senate Bills numbered 38 re-referred to Committee on Counties, Towns, and Municipal Corporations, and Senate Bills numbered 76, 86 and Senate Substitute for House Bill No. 67, were referred to Engrossing Committee.

House Bill No. 123, referred to Calendar for third reading.

Committee on Engrossed Bills reported as follows:

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Substitute for House Bill No. 67, beg leave to report the same is correctly engrossed.

Respectfully,

KESSLER, Chairman.

Report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Substitute for House Bills 2, and 102, a bill for an Act entitled, "An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance, of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for a breach of the same, beg leave to report as follows: That we have had same under consideration, and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Rae, report adopted and bill referred to General File.

On motion of Rae, by unanimous consent rules were suspended and Substitute for House Bills No. 2, and 102, was considered in the Committee of the Whole this afternoon.

On motion of Donlan, seconded by Albright, Senate resolved itself into a Committee of the Whole for the consideration of Substitute for House Bills No. 2, and 102, with,

Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 11, 1909.

Mr. President:

Your Committee of the Whole to whom was referred Substitute for House Bill No. 2, and 102, having had same under consideration instruct me to report and recommend that Substitute for House Bills No. 2, and 102, be concurred in.

Respectfully,

TRUSCOTT, Chairman.

On motion of Truscott, seconded by Rae, report adopted and Substitute for House Bills No. 2, and 102, referred to calendar for third reading.

By unanimous consent rules were suspended and bills considered read at length by title only.

Senate Substitute for House Bill No. 67, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Daly, Kessler.—2.

Title agreed to.

H. B. No. 123, read third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Daly, Donlan, Kessler, Muffley.—4.

Title agreed to.

Rae moved that by unanimous consent rules be suspended and Substitute for House Bills No. 2, and 102, be read a third time and placed on final passage to-day.

Edwards objected.

Motion lost.

On motion of Edwards, seconded by Rae, Senate adjourned at 3:55 P. M. until 10 o'clock A. M. tomorrow.

W. R. ALLEN, President

NATHAN GODFREY, Secretary.

Fortieth Day.

Helena, Montana, February 12, 1909.

Senate conevened at 10 o'clock A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 12, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Concurrent Resolution No. 2, beg leave to report the same has been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and Senate Concurrent Resolution No. 2 referred to General File.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bills numbered 6 and 27 were this day read a third time and concurred in, and are herewith returned to the Senate.

Respectfully,

CHARLES Z. POND, Chief Clerk.

Senate Bills Nos. 6 and 27 referred to Enrolling Committee.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 191, and House Joint Memorial No. 4, were this day read a third time and passed, title agreed to, and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHARLES Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction of bills were today given:

By Smith: A bill for an Act to amend Section 1500, Revised Codes, 1907, of the State of Montana, relating to the definition of the term "communicable disease."

By Gray: A bill for an Act entitled, "An Act to provide for an appropriation to carry on the work of the Agricultural Experimental Sub-Station in Cascade County."

By Smith: A bill for an Act entitled, "An Act to amend Section

1772, Revised Codes, 1907, of the State of Montana, relating to the reporting of births."

By Wilham: A bill for an Act entitled, "An Act to prevent frauds by mining companies and others engaged in mining."

By Woody: A bill for an Act entitled, "An Act to amend Section 3116 of the Revised Codes of Montana, 1907, relating to the compensation and salary of county officers."

By Kilgallon: A bill for an Act entitled, "An Act appropriating money for the executive and judicial departments for two years, namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911."

By Hunter: A bill for an Act entitled, "An Act appropriating money to be credited to the bounty fund, for the purpose of paying bounties on wild animals."

By Pomeroy: A bill for an Act entitled, "An Act to create the County of Lincoln, designate its boundaries, and to provide for its organization and government."

By Berkin: A bill for an Act to amend Section 3121 of the Revised Codes of Montana, 1907, of deputy sheriffs in counties of the first class."

Respectfully,

CHARLES Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred:

By Maxwell, H. B. No. 292: A bill for an Act entitled, "An Act to enable qualified voters to vote by mail."

Referred to Committee on Privileges and Elections.

By Smith, H. B. No. 293: A bill for an Act entitled, "An Act to regulate and restrain the practice of midwifery in the State of Montana and to provide a penalty for the violation of the same."

Referred to Committee on Sanitary Affairs.

By Smith, H. B. No. 294: A bill for an Act requiring persons who treat communicable diseases to make report to the health officer.

Referred to Committee on Sanitary Affairs.

By Duncan, H. B. No. 295: A bill for an Act entitled, "An Act to amend Section 6520 of the Revised Codes of Montana, 1907, relating to the service of summons by publication."

Referred to Judiciary Committee.

By Norton, H. B. No. 296: A bill to impose on contractors on State buildings and State works certain conditions as to labor and wages, an Act requiring hereafter all contracts on buildings, works owned by, or to be accepted by the State of Montana, to enter into an agreement to the effect that none but members of labor unions will be employed on such works or buildings, and to the effect that all persons employed on such works or buildings be paid the scale of wages fixed by labor unions in the place where the work or buildings is to be done, and to the effect that such contracts will conform to the rules relating to wages,

hours constituting a day, and other rules for work fixed by labor unions in the place where the building or works is to be carried on.

Referred to Committee on Labor.

By Pierson, H. B. No. 297: A bill for an Act to amend Section 2065 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines."

Referred to Committee on Military Affairs.

By Connelly, H. B. No. 298: A bill for an Act entitled, "An Act to provide for a commission plan of city government for cities of the first and second class, providing for the election of officers thereunder, defining their duties and powers, and providing for their compensation.

Referred to Committee on Affairs of Cities.

By Woody, H. B. No. 299: A bill for an Act entitled, "An Act appropriating money for the furnishing of the library building of the State University at Missoula, Montana."

Referred to Committee on Appropriations.

By Committee on Railroads and Transportation, H. B. No. 300: A bill for an Act entitled, "An Act authorizing the Board of Railroad Commissioners to ascertain the value of railroad property."

Referred to Committee on Railroads and Transportation.

By Safley, H. B. No. 301: A bill for an Act to amend Section 8794 of the Revised Codes of Montana of 1907, relating to the catching of fish for speculative purposes.

Referred to Committee on Fish and Game.

By Wilham, H. B. No. 302: A bill for an Act entitled, "An Act to define the powers and duties of county surveyors, and to provide for their compensation."

Referred to Committee on Townships and Counties.

Respectfully,

CHARLES Z. POND, Chief Clerk.

The following House bills were read first and second times and referred:

By Connelly, House Joint Memorial No. 4: In reference to opening Crow Reservation.

Referred to Committee on Federal Relations.

On motion rules were suspended and House Bill No. 91 considered read at length read by title only.

By Christler, H. B. No. 191: A bill for an Act entitled, "An Act to provide for the creation, organization, government, and extension of a publicity bureau for the State of Montana, to prescribe the selection, powers and duties of a Commissioner of Publicity; to provide for the acquisition and the maintenance of a hall of exhibits, of the resources, progress and development of Montana, and to make an appropriation therefor."

Referred to Committee on Finance and Claims.

The following bills were introduced, read first and second times and referred:

By Sykes, Senate Bill No. 108: A bill for an Act entitled, "An Act

requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties, whenever a sale is made by them of personal property under a foresclosure of mortgage, writ of attachment, execution or lien."

Referred to Judiciary Committee.

On motion of Sanders, seconded by McDonnell, rules were suspended and Senate Concurrent Resolution No. 2 was placed on General File.

On motion of Donlan, seconded by McDonnell, Senate resolved itself into Committee of the Whole for the consideration of bills on General File, with Rae in the chair.

Committee arose.

Senate resumed.

President in the chair.

Rae, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 12, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instructs me to report and recommend that:

S. B. No. 61 do pass.

S. B. No. 75 do pass.

S. B. No. 79 do pass.

S. B. No. 88 do pass.

S. B. No. 96 do pass.

S. C. R. No. 1 do pass.

S. C. R. No. 2 do pass.

H. B. No. 58 be concurred in.

Respectfully,

RAE, Chairman.

On motion of Rae, seconded by Sanders, report of the Committee of the Whole was adopted and Senate Bills numbered 61, 75, 79, 88, 96, S. C. R. Nos. 1 and 2 referred to Engrossing Committee, and House Bill No. 58 referred to Calendar for third reading.

By unanimous consent rules were suspended and bills on third reading considered read at length read by title only.

Substitute for House Bills Nos. 2 and 102 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—26.

Noes: Muffley.—1.

Absent and not voting: None.

Title agreed to.

On motion of Sanders, seconded by Everett, rules were suspended and Senate Concurrent Resolutions numbered 1 and 2 were considered engrossed and placed on third reading.

Senate Concurrent Resolution No. 2 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Haviland, Kessler.—2.

Title agreed to.

Senate Concurrent Resolution No. 1 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Haviland, Kessler.—2.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 12, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 65, a bill for an Act entitled, "An Act to create the County of Cabinet, designate its boundaries, and provide for its organization and government," beg leave to report as follows: That we have had the same under consideration, and recommend that it be printed with the following amendments:

Amend the title of Senate Bill No. 65 and each section thereof wherever the word "Cabinet" appears by striking out the word "Cabinet" and inserting in lieu thereof the word "Lincoln."

Amend Section 1 by striking out all of said Section after the word "to-wit" in line 3 of said section, and inserting in lieu thereof the following: "Beginning on the 28th parallel of latitude in T. 26 N, between ranges 26 and 27 W, thence to the NE corner of T. 27 N. R. 27 W, thence W to the SW corner of Section 34, T. 28 N. R. 27 W, thence to the NW corner of Section 3, T. 28 N. R. 27 W, thence E to the SE corner of T. 29, N. R. 26 W, thence along the Horse Plains Guide Meridian to the NE corner of T. 32, N. R. 26 W, thence W to the SE corner of T. 33, N. R. 26 W, thence N along the Horse Plains Guide Meridian to the NE corner of T. 33 N. R. 26 W, thence E about 12 miles to the summit of the water shed dividing the Stillwater River and White Fish Creek, thence in a northwesterly direction along said water shed to its intersection with the International boundary line, thence W along said boundary line to the NW corner of the State of Montana, thence S on the boundary line between Montana and Idaho to the summit of the Cabinet mountain range, thence in a southeasterly direction along said range to the 48th parallel of latitude, thence E along said parallel of latitude to the place of beginning.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 12, 1909.

Mr. President:

We, your select committee for the appointment of Standing Committees, respectfully submit he following names to act as a Steering Committee for the Eleventh Session: Edwards, Albright, Muffley, Tooley, McCarthy.

Respectfully,

TOOLEY, Chairman.
ANNIN.
McCONE.

On motion of Tooley, seconded by Albright, report adopted and the above named Senators selected for Steering Committee.

The following communication from His Excellency the Governor was received and read:

Executive Office, Helena, Montana, February 12, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that the following Senate bills have been approved and deposited with the Secretary of State:

S. B. No. 20: An Act to amend Section 8689 of the Revised Codes of Montana of 1907, respecting the sale of mortgaged property, or its removal from the county in which it is situated.

S. B. No. 42: An Act to amend Section 1306, also to repeal Section 1307, of the Revised Codes of Montana of 1907, concerning farmers' institutes.

EDWIN L. NORRIS, Governor.

On motion of Donlan, seconded by Sanders, the Senate took a recess until 2 o'clock P. M.

Senate convened at 2:00 o'clock P. M.

President in the chair.

Roll called. Quorum present.

The President gave notice that he was about to sign H. B. No. 74 and signed same in open session.

On motion of Selway, seconded by Everett, the Senate proceeded in a body to the House of Representatives, to join with the House in joint session to listen to an address by Dr. Duniway, President of the University of Montana at Missoula, on the life of Abraham Lincoln.

Senate resumed.

President in the chair.

On motion of Donlan, seconded by Tooley, Senate adjourned at 3:30 P. M. until 2 o'clock P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Forty-Third Day.

Helena, Montana, February 15, 1909.

Senate convened at 2 P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing committees reported as follows:

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 77, 89, 95, 97, 98 and 59, beg leave to report the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 61, 75, 76, 79, 86, 88 and 96, beg leave to report as follows: That same have been correctly engrossed and are returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 56, a bill for an Act entitled, "An Act to create a State accident insurance and total permanent disability fund for coal miners and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor, and fixing penalties for the violation of this Act," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McDonnell, report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Public Morals, to whom was referred Senate Bill No. 102, being, a bill for an Act entitled, "An Act to prohibit persons from bringing intoxicating liquors into houses of prostitution or causing same to be done, and providing punishment for the same," beg leave to

report and recommend that the same be printed.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by Sanders, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 4, "In reference to opening the Crow Reservation", having had the same under consideration, beg leave to report and recommend that the same do pass.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Sanders, report adopted and House Joint Memorial No. 4, referred to General File.

On motion of McCarthy, seconded by Selway, rules suspended and House Joint Memorial No. 4, placed on General File for consideration to-day.

The following communication from His Excellency, the Governor received and read:

Executive Office,
Helena, Montana.

February 15, 1909.

To the President of the Senate,
Senate Chamber,
Helena, Montana:

I have the honor to advise you that I have approved and deposited with the Secretary of State the following Senate Bill:

No. 47: An Act prohibiting rebateing and discrimination by Life Insurance Companies and providing penalties therefor, and prohibiting the issuance of special or advisory board contracts, and prohibiting certain other practices, and providing penalties therefor, and repealing Sections 4141, 4142, and 4143 of the Revised Codes of the State of Montana, of 1907.

EDWIN L. NORRIS, Governor.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of introduction of bills were to-day given:

By Norton: A bill for an Act entitled, "An Act relating to public schools, and providing for the exclusion therefrom of children of Mongolian, Chinese or Japanese parentage or decent."

By Christler, by request: A bill for an Act entitled, "An Act relating to a "Threshers lien law".

By Christler: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the exam-

ination of applicants for certificates entitling them to practice medicine and surgery."

By Clayberg: A bill for an Act entitled, "An Act embodying and to make uniform the law of warehouse receipts."

By Clayberg: A bill for an Act entitled, "An Act embodying the law of sales of goods, and to make uniform the law relating thereto."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Speaker has to-day appointed Messrs, Murray, Hanifen, and Edgerton as a committee to act with a like committee from the Senate to investigate the State Reform School at Miles City.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Speaker has to-day appointed a Steering Committee consisting of Messrs. MacGinniss, Burke, Brewster, Byrnes, and Cummings of Chouteau.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day read first and second times and referred.

By Gray, by request, H. B. No. 303: A bill for an Act to amend Sections 965, 966, 968, 969, 970, and 971 of the Revised Codes of Montana, 1907, relating to the compulsory education of children, and to repeal Sections 967 of the Revised Codes of Montana, of 1907, relating to the compulsory education of children.

Referred to Committee on Education.

By Woody, H. B. No. 304: A bill for an Act entitled, "An Act to amend Sections 3116, of the Revised Codes of Montana, of 1907, relating to the compensation and salary of county officers.

Referred to Judiciary Committee.

By Wilham, H. B. No. 305: A bill for an Act entitled, "An Act to prevent fraud by mining companies and others engaged in mining."

Referred to Committee on Mines and Mining.

By Ward, by request, H. B. No. 306: A bill for an Act entitled, "An Act to empower City and Town Councils to pay in in installments for any improvements which are to be paid for by special assessment against any property and for such installments to issue Annual Interest Bearing Warrants, and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period not exceeding eight years.

Referred to Judiciary Committee.

By Smith, H. B. No. 307: A bill for an Act entitled, "An Act to amend Section 1772 Revised Codes 1907, of the State of Montana, relating to the reporting of births."

Referred to Committee on Sanitary Affairs.

By Smith, H. B. No. 308: A bill for an Act entitled, "An Act to amend Section 1500 of the Revised Codes of 1907, of the State of Montana, relating to the definition of the term communicable disease."

Referred to Committee on Sanitary Affairs.

By Owenhouse, H. B. No. 309: A bill for an Act to provide for the permanent improvements of the main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvements, for the levying of assessments upon lands benefited thereby, for the payment of a part of the costs thereof.

Referred to Committee on Highways.

By Shoemaker, H. B. No. 310: A bill for an Act entitled, "An Act relating to trusts monopolies and unlawful contracts, and combinations in restraint of trade commerce and transportation facilities, and fixing the punishment for infractions of the provisions thereof.

Referred to Committee on Labor.

By Berkin, H. B. No. 311: A bill for an Act to amend Section 3121, of the Revised Codes of Montana, of 1907, relating to the compensation of Deputy Sheriffs in counties of the first class.

Referred to Judiciary Committee.

By Pomeroy, H. B. No. 312: A bill for an Act to create the county of Lincoln, designate its boundaries and provide for its organization and government.

Referred to Committee on Townships and Counties.

By Hunter, H. B. No. 313: A bill for an Act entitled, "An Act appropriating money to be credited to the bounty fund for the purpose of paying bounty on wild animals."

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 314: A bill for an Act entitled, "An Act making appropriations for the executive and judicial departments of the state government for two years; namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911."

Referred to Committee on Appropriations.

By Norton, H. C. R. No. 7: Relating to Asiatic and particularly Japanese immigration into the United States.

Referred to Committee on Labor.

By Committee on Ways and Means, H. B. No. 315: A bill for an Act entitled, "An Act to provide for the support of the government of the State of Montana, for the years 1909, and 1010."

Referred to Committee on Ways and Means.

By MacGinniss, H. B. No. 316: A bill for an Act entitled, "An Act to amend Section 450 of the Civil Code of Montana, printed as Section 3449, of the Revised Codes of Montana, relating to the method of changing place of business and number of directors of corporations organized under the laws of Montana."

Referred to Committee on Corporations other than Municipal.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Substitute for House Bill No. 67 has been concurred in and is herewith transmitted.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills numbered 43 and 33 have to-day been read a third time and concurred in and are herewith returned to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Senate Bills numbered 43 and 33 referred to Committee on Enrolled Bills.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills, numbered 140, 43, 63, and 44, and Substitute House Bills No. 122 and 113, and House Concurrent Resolution No. 6, were to-day read a third time and passed, and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following House Bills Nos. 156, 108, 153, and 160, and H. J. R. No. 1, have to-day been read a third time and passed, and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 12, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills numbered 32, 36, and 46, have this day been concurred in as amended by the House and are herewith transmitted to the Senate, for its concurrence in House amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Consideration of House amendments to Senate Bill No. 46 delayed until the author of the bill is present.

On motion of Cowgill, seconded by Albright, House amendments to Senate Bill No. 32 concurred in by the following vote:

Ayes: Albright, Cockrell, Conrow, Cowgill, Donlan, Edwards,

Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Annin Cardwell, Daly, Meyer, Selway, Sykes.—6.

Senate Bill No. 32 referred to Enrolling Committee.

On motion of Meyer, seconded by McCarthy, House amendments to Senate Bill No. 36 not concurred in by the following vote:

Ayes: Albright, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, Rae, Romney, Sanders, Selway, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Annin, Cardwell, McCarthy, McDonnell, Sykes.—5

The President appointed, Meyer, McCarthy, and Albright, as a Committee to confer with a like Committee from the House on House amendments to Senate Bill No. 36.

By unanimous consent rules suspended and McCone, McDonnell, Edwards, and Truscott, were permitted to introduce bills without previous notice.

The following bills were introduced, read first and second times and referred:

By McCone, Senate Bill No. 109: A bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto, of the money derived from forest reserves in the State of Montana, under an Act of Congress approved June 30, 1906."

Referred to Committee on Finance and Claims.

My McDonnell, Senate Bill No. 110: A bill for an Act to amend Section 918 of the Revised Codes of Montana, of 1907, relating to the establishment of County Free High Schols.

Referred to Committee on Education.

By Edwards, Senate Bill No. 111: A bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehensions and conviction of persons guilty of crime to employ or authorize the employment of stock inspectors, and to employ or authorize the employment of special counsel in criminal actions and in actions to which the county is a party."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Truscott, Senate Bill No. 112: A bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts, and of articles of incorporation and stock certificates of water user's associations, organized under the National Reclamation Act, and prescribing the fees for such recording."

Referred to Committee on Irrigation and Water Rights.

The following House Bills were read first and second times and referred:

By Cummings of Chouteau, Substitute for House Bill No. 113: A

bill for an Act entitled, "An Act to amend Sections 77, 78, and 79 and repeal Section 80, of the Revised Statutes of Montana, 1907, relating to the compensation of members, officers, and employees of the Legislative Assembly."

Referred to Judiciary Committee.

By McCoy, H. B. No. 43: A bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of United States Senators."

Referred to Committee on Elections and Privileges.

By McCoy, H. B. No. 63: A bill for an Act entitled, "An Act to amend Sub-division 1, of Section 1161, of the Political Code of the State of Montana, relating to proclamations of election, by the Governor."

Referred to Committee on Elections and Privileges.

By Kilgallon, H. B. No. 140: A bill for an Act entitled, "An Act making an appropriation for the Board of Railroad Commissioners of the State of Montana for the two months ending February 28, 1909.

Referred to Committee on Finance and Claims.

By Committee on Sanitary Affairs, Substitute for House Bill No. 122: A bill for an Act entitled, "An Act to amend Section 1484 of the Revised Statutes, 1907, of the State of Montana, relative to the appointment and duties of Boards of Health."

Referred to Committee on Counties, Towns and Municipal Corporations.

By McCoy, H. B. No. 44: A bill for an Act entitled, "An Act to amend Section 545, of the Revised Statutes of the State of Montana, of 1907, in relation to form of ballots to be used."

Referred to Committee on Elections and Privileges.

By Berkin, by request, H. B. No. 108: A bill for an Act entitled, "An Act authorizing persons who are the owners, lessees or who otherwise control the land surrounding any lakes or ponds in the State of Montana, and who have established fish hatcheries on the shores of such lakes or ponds, to catch fish therein to sell or offer for sale the same, and to ship same within the State of Montana, prohibiting the shipping and sale of such fish out of the State, and providing punishment for the violation of this Act."

Referred to Committee on Fish and Game.

By Woody, H. B. No. 156: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of the State University at Missoula, Montana.

Referred to Committee on Finance and Claims.

By Ward, H. B. No. 160: A bill for an Act entitled, "An Act to amend Section 3808, 3825, and 3826 of the Revised Codes of Montana, of 1907, relating to corporations, and to authorize corporations, to acquire, own, hold, mortgage, pledge, and dispose of capital stock, bonds, securities, or other evidences of indebtedness of other corporations."

Referred to Committee on Judiciary.

By Smith, H. B. No. 152: A bill for an Act entitled, "An Act to repeal Section 8368 of the Revised Statutes of the State of Montana, of 1907, relating to the burial of bodies without physicians certificate."

Referred to Committee on Public Morals.

By Coit, H. J. R. No. 1: Joint Resolution, relative to election of United States Senators by popular vote.

Referred to Committee on Federal Relations.

By Byrnes, H. C. R. No. 6: Relative to reclassification of Northern Pacific Land Grants.

Referred to Committee on Federal Relations.

The President gave notice that he was about to sign House Bills numbered 106, 104 and 31, and Senate Bills numbered 27 and 6, and signed them in open session.

Enrolling Committee reported as follows:

Senate Chamber, Helena, Montana, February 15, 1909.

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 27 and 6, beg leave to report as follows: That the same have been correctly enrolled.

Respectfully,

RAE, Chairman.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, February 15, 1909.

Mr. President:

I am directed by the House to request the return from the Senate of House Bills numbered 108, 160, H. J. R. No. 1, Substitute H. B. No. 113 H. B. No. 44, Senate Substitute for House Bill No. 67; also Senate Bills numbered 43, 46, 36, 33 and 32.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 51, a bill for an Act entitled, "An Act to create a board of examiners for examining applicants for the position of coal mine inspector of the State of Montana, and prescribe the qualifications of applicants and prescribe the rights and duties and fix the compensation of such boards of examiners, and the manner of appointing said coal mine inspector of the State of Montana," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Meyer, seconded by Donlan, report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 40, a bill for an Act entitled, "An Act to amend Section 1680 of the Revised Codes of Montana of 1907, relating to the powers and duties

of the State Coal Mine Inspector," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sanders, report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 52, a bill for an Act entitled, "An Act to provide for the appointment of boards of examiners for applicants for certain positions in and around coal mines, prescribing their duties and term of office and providing for the salaries of such boards," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectlully,

EDWARDS, Chairman.

On motion of Sanders, seconded by Meyer, report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill No. 111, a bill for an Act entitled, "An Act to give Boards of County Commissioners power to offer rewards for the apprehension and conviction of persons guilty of crime, to employ, or authorize the employment of stock inspectors, and to employ or authorize the employment of special counsel in criminal actions, and in actions to which the county is a party," having had same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectlully,

DONLAN, Chairman.

On motion of Rae, seconded by Edwards, bill referred to Printing Committee.

The following notices of bills were this day received and read:

By Romney: A bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing his qualifications and duties, fixing the penalties for violations of this Act, and fixing his compensation, and relating to the protection of the industry of horticulture, and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947 of the Revised Codes of Montana, 1907."

By Cockrell: A bill for an Act entitled, "An Act to amend Section 5332 of the Revised Codes of 1907, relating to common carriers."

Muffley introduced the following resolution:

Resolved: That the Committee on Education be requested to inquire

and report on the mode of selecting teachers in the public schools in Helena, and the number of the graduates of the State Normal School and other educational institutions who are employed therein.

On motion of Tooley, seconded by Rae, resolution adopted.

On motion of Meyer, duly seconded, rules suspended and Senate Bill No. 56 be considered in Committee of the Whole today.

On motion of Edwards, seconded by Tooley, Senate resolved itself into a Committee of the Whole for the consideration of bills on General File, with Tooley in the chair.

Committee arose.

Senate resumed.

President in the chair.

Toley, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

H. J. M. No. 4 be concurred in.

S. B. No. 56 do pass.

Respectlully,

TOOLEY, Chairman.

By unanimous consent Senate Bills numbered 50, 51, 52 and 56 were considered correctly engrossed and referred to Calendar for third reading and H. J. M. No. 4 referred to Calendar for third reading.

By error of House communication recalling Senate Substitute for House Bill No. 67, same was not returned to the House.

House amendments to Senate Bill No. 46 concurred in by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley.—21.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Sykes, Truscott.—6.

Senate Bill No. 46 referred to Enrolling Committee.

By unanimous consent rules suspended and bills on third reading considered read at length read by title only.

Senate Bill No. 61 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Cowgill, Daly, Donlan, Everett, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Tooley.—19.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Edwards, Fairbanks, Selway, Sykes, Truscott.—8.

Title agreed to.

S. B. No. 75 read a third time and passed by the following vote:

Ayes: Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler,

Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway.—17.

Noes: None.

Absent and not voting: Annin, Albright, Cardwell, Cockrell, Cowgill, Edwards, Rae, Sykes, Tooley, Truscott.—10.

Title agreed to.

S. B. No. 76 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, Rae, Romney, Sanders, Selway, Tooley.—19.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, McDonnell, Sykes, Truscott.—8.

Title agreed to.

S. B. No. 79 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Everett, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, Romney, Sanders, Selway, Tooley.—15.

Noes: Fairbanks, McDonnell.—2.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Meyer, McCone, Rae, Sykes, Truscott.—10.

Title agreed to.

S. B. No. 86 read a third time and passed by the following vote:

Ayes: Conrow, Daly, Donlan, Everett, Haviland, Kessler, Long, Muffley, McCarthy, Rae, Romney, Sanders, Selway, Tooley.—14.

Noes: Albright, Fairbanks, Metcalf, Meyer, McCone, McDonnell.—6.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 88 read a third time and passed by the following vote:

Ayes: Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley.—18.

Noes: Albright, Meyer.—2.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 96 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Tooley.—19.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Rae, Sykes, Truscott.—8.

Title agreed to.

S. B. No. 51 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Tooley.—18.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Muffley, Rae, Sykes, Truscott.—9.

Title agreed to.

S. B. No. 56 passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Muffley, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 50 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Edwards, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 52 read a third time and passed by the following vote:

Ayes: Albright, Conrow, Daly, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Tooley.—17.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Donlan, Edwards, Muffley, Rae, Sykes, Truscott.—10.

Title agreed to.

H. J. M. No. 4, read a third time and concurred in by the following vote:

Ayes: Albright, Conrow, Daly, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Selway, Tooley.—16.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Donlan, Edwards, Muffley, Rae, Romney, Sykes, Truscott.—11.

Title agreed to.

H. B. No. 58, read a third time and concurred in by the following vote:

Ayes: Albright, Conrow, Daly, Everett, Fairbanks, Haviland, Kesler, Long, Metcalf, Meyer, McCone, McDonnell, Romney, Sanders, Tooley.—15.

Noes: None.

Absent and not voting: Annin, Cardwell, Cockrell, Cowgill, Donlan, Edwards, Muffley, McCarthy, Rae, Selway, Sykes, Truscott.—12.

Title agreed to.

Committee on Enrolled Bills, reported as follows:

Senate Chamber, Helena, Montan, February 15, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Substitute for House Bill No. 67, beg leave to report as follows, that same has been correctly enrolled.

Respectfully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Substitute for House Bill No. 67, and signed same in open session.

By request of Tooley, Annin was excused.

On motion of Albright, seconded by Meyer, Senate at 4:30 P. M. adjourned until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Forty-Fourth Day.

Helena, Montana, February 16, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 43, beg leave to report as follows: That the same has been correctly enrolled.

Respectfully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Bill No. 43 and signed same in open session.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Stock Growing and Grazing, to whom was referred House Bill numbered 78, introduced by Coit, entitled, "An Act to amend Sections 8474 and 8475 of the Revised Codes of Montana, of 1907, making it unlawful to herd or drive live stock upon anothers land providing penalties therefore and to give a right of way for damages. Beg leave to report as follows: Having had the same under consideration recommend that the same be concurred in.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by McCone, report adopted nnd bill referred to General File.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills No. 63, 65, 85, 90, 91, 92, 99, 100, 103, and 105, beg leave to report the same has been correctly printed.

Respectfully

SANDERS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bill No. 49, beg leave to report that same has been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Irrigation and Water Rights, to whom was referred Senate Bill numbered 112, a bill for an Act entitled, "An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts and of Articles of Incorporations and Stock Certificates of Water User's Associations organized under the National Reclamation Act, and prescribing the fees for such recording," beg leave to report as follows: That we have had the same under consideration and recommend that it do pass.

Respectfully,

ALBRIGHT, Chairman.

On motion of Albright, seconded by Fairbanks, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Corporations, other than Municipal, to whom was referred House Bill numbered 93, being a bill for an Act entitled, "An Act to amend Section 3812 of the Revised Codes of Montana, relating to the power of corporations to change the corporate name, beg leave to report as follows: Recommend that the bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Albright, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 115, being a bill for an Act entitled, "An Act to regulate the practice of the profession of public accounting." beg leave to report and recommend that the bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Fairbanks, report adopted and

bill referred to General File.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Irrigation and Water Rights, to whom was referred House Bill numbered 38, a bill for an Act entitled, "An Act amending Sections 4871 and 4872, of the Revised Codes of Montana, of 1907, and being Sections 4 and 5 of Chapter 185 of the Session Laws of 1907, approved March 9, 1907, relating to appropriations of water and providing manner in which water may be appropriated, and a right thereto acquired from adjudicated streams, springs, creeks, canyons, rivers and ravines", beg leave to report as follows: That we have had the same under consideration and recommend that it be concurred in with the following amendments.

Amend Section 2, after the word "directing", by inserting the words "the county surveyor or".

Respectfully.

ALBRIGHT, Chairman.

On motion of Albright, seconded by Selway, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 15, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred Senate Bill numbered 73, a bill for an Act entitled, "An Act to amend Sections 786 and 2196 and 2197 of the Revised Codes of the State of Montana, 1907, concerning the investment of the funds of the state normal school, permanent university funds, permanent agricultural college, and permanent school funds," having had the same under consideration respectfully report and recommend that the bill be amended in Sub-section 6 of Section 2196, by striking out the word "sum" and inserting in lieu thereof the word "same," immediately preceding the words "may be loaned."

Also amend in said Section by striking out the word "permanent", immediately preceeding the words, "funds of such institutions", and as amended, respectfully recommend that the same do pass.

Respectfully

COWGILL, Chairman.

On motion of Cowgill, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 58, a bill for an Act entitled, "An Act to establish a system of examination for master and journeymen plumbers, fixing the fees to be charged for licenses and the disposition of the fund thus created, and providing penalties for the violation of the provisions of this Act," having had the same under consideration, beg leave to reports as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Donlan, report adopted and bill

referred to Printing Committee.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 95, a bill for an Act entitled, "An Act to amend Section 6656, of the Revised Codes of Montana, providing when attachments may issue." Having had same under consideration beg leave to report as follows: Respectfully recommend that the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Donlan, report adopted and bill referred to General File.

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 80, a bill for an act to amend Section 4004 of the Revised Codes of Montana, 1907, relating to impairment of capital or insolvency of banks and duties of State Bank Examiner," having had the same under consideration, beg leave to report as follows: That Section 3 be amended to read as follows:

"If the stockholders do not make good the impairment or insolvency within the time required after notification, the State Bank Examiner is authorized to take charge of such bank, its property and assets, upon direction of the Governor and Attorney General.

That Section 4, be amended by adding at the beginning thereof the following: "It appearing necessary to have a receiver appointed for any such bank or banks, the State Examiner, shall make full and complete statement of account and report to the Governor with respect to the condition of its business and affairs; and thereafter, should it appear to the Governor that application should be made for the appointment of a receiver he shall thereupon direct the Attorney General to file a petition in the district court of the county in which the bank is situated asking for the appointment of a receiver in the name of the State of Montana, and such petition shall be controlling and by the court so considered and acted upon, even though stockholders, creditors, or others, may have theretofore filed applications for the appointment of a receiver. When any such petition is filed by the state no suggestion shall be contained therein as to any particular person to be appointed in such capacity". And as so amended, that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that

Senate Bill No. 34, is herewith returned for correction of History.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of introduction of bills were to-day given:

By Cummings of Chouteau: A bill for an Act providing for the payment of expenses of State and county officers and fixing the penalties for violations of this Act.

By Connelly: A bill for an Act to provide for the filing with the Secretary of State of descriptions of insignia, badges, rosettes, pins, buttons and charms, adopted or authorized by societies, lodges, orders and fraternal organizations incorporated under the laws of this state; to prohibit the wearing or use of the same by persons not members of such organizations and providing penalties for the violation thereof.

By Hutchinson: A bill for an Act entilted, "An Act to regulate the issuance of license of retail liquor dealers in counties and in any city, town, village, or camp therein.

By Burke: A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting aside of judgments in criminal causes."

By Kilgallon: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the state deaf and dumb asylum incurred during the years ending January 28, 1909."

By Woody: A bill for an Act entitled, "An Act to amend Section of the Revised Codes of Montana, of 1907, relating to taxation.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were read first and second times and referred:

By Connelly, Pierson, Cluston, Christler, and Gray, H. B. No. 317: A bill for an Act entitled, "An Act to provide for apportionment of membership and representation of the several counties of Montana, in the House of Representatives of Legislative Assemblies of Montana, and to fix the number of members thereof"

Referred to Committee on Apportionment and Representation.

By Gray, H. B. No. 318: A bill for an Act entitled, "An Act to provide for appropriation of three thousand (3,000) dollars, to be used in carrying on the work of the experimental sub-station for dry land farming in Cascade County, Montana."

Referred to Committee on Appropriations.

By Harbert, H. B. No. 319: A bill for an Act entitled, "An Act for the appropriation of money to pay the claim of a certain person for services rendered as meat and milk inspector in Flathead County during the years 1906 and 1907."

Referred to Committee on Appropriations.

By Committe on Appropriations, H. B. No. 320: A bill for an Act to pay employees of the Senate and House as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V, of the Political Code, State of Montana.

Referred to Committee on Appropriations.

By Harbert, H. B. No. 321: A bill for an Act entitled, "An Act to appropriate the sum of five hundred and seventy-five dollars to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the County Clerk of Teton County, Montana, during the year 1907."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B. No. 322: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum incurred during the year, ending February 28, 1909."

Referred to Committee on Apropriations.

By Connelly, H. B. No. 323: A bill for an Act to provide for the filing with the Secretary of State of description of insignia, badges, rosettes, pins, buttons, and charms, adopted and authorized by societies, lodges orders and fraternal organizations, incorporated under the laws of this state, to prohibit the wearing or use of the same by persons not members of such organizations, and providing penalties for the violation thereof.

Referred to Committee on Education.

By Norton, H. B. No. 324: A bill for an Act entitled, "An Act relating to public schools and providing for the exclusion therefrom of children of Mongolian, Chinese or Japanese parentage."

Referred to Committee on Military Affairs.

By Christler, H. B. No. 325: A bill for an Act entitled, "An Act to amend Section 1587 of the Revised Codes of the State of Montana, relating to the examination of applicants for certification entitling them to practice medicine and surgery."

Referred to Committee on State Boards and Officers.

By Pierson, H. B. No. 326: A bill for an Act entitled, "An Act to amend Sections 9617 and 9618 of the Revised Codes of Montana, relating to appeals from justice and police courts, in criminal actions, and providing for the transmission of records on appeal to district courts, and repealing Sections 9619 and 9620 of the Revised Codes of Montana."

Referred to Judiciary Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Engrossing Committee reported as follows:

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 32, beg leave to report as follows: That said bill has been

correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and bill referred to Enrolling Committee.

On motion rules were suspended and Donlan was allowed to introduce a bill without previous notice.

The President announced that all bills on General File to-day are referred to Steering Committee.

The following bills were introduced, read first and second times and referred:

By Romney, Senate Bill No. 113: A bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing his qualifications and duties, fixing the penalties for violation of this Act, and fixing his compensation, and relating to the protection of the industry of horticulture, and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947 of the Revised Codes of Montana, 1907."

Referred to Committee on Horticulture.

By Donlan, Senate Bill No. 114: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana."

Referred to Committee on Finance and Claims.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Steering Committee, to whom was referred Senate Bills Nos. 65 and 99, beg leave to report as follows: Recommend that the same be placed on General File.

Respectlully,

EDWARDS, Chairman.

On motion of Long, seconded by Edwards, rules suspended and Senate Bills Nos. 65 and 99 placed on General File today.

The following communication from His Excellency the Governor received and read:

Executive Office, Helena, Montana, February 16, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that the following Senate Bills have been approved and deposited with the Secretary of State:

Senate Sub. for H. B. 67: An Act to amend Section 2332 of Part 3, Title X, Chapter I, of the Political Code, relating to the election of directors in irrigation districts.

S. B. 6: An Act to amend Section 51 of the Revised Codes of Montana, concerning the term of office of Senators and Representatives.

S. B. 27: An Act requiring any person, railway corporation or

company operating a line of railway in the State of Montana to equip its locomotive engines with electric headlights of not less than fifteen hundred candle power without the aid of a reflector, or other headlights of not less than fifteen hundred candle power without the aid of a reflector, and providing a penalty for the violation of this Act.

EDWIN L. NORRIS, Governor.

Notice of introduction of a bill was this day given as follows:

By Truscott, by request: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the county of Valley; to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties and compensation and term of office of the Judge of said Judicial District."

On motion of Donlan, seconded by Tooley, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File, with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

S. B. No. 77 do pass.

S. B. No. 89 be amended in Section 2, by striking out all of Section 2 after the word "vacancy," in line 19, and inserting in lieu thereof the following: "All deputies shall have authority to investigate cases reported to said bureau from any section of the State of Montana when called or directed to do so by the secretary of said bureau."

Amend Section 2 by striking out in line 11 the words "two deputies," and inserting in lieu thereof the words "four deputies, one of whom shall have his office in the City of Butte, one in Havre, one in Billings, and one in Missoula," and as amended that the bill do pass.

S. B. No. 98 be taken from General File and referred to Committee on Education.

S. B. No. 97 do pass.

S. B. No. 59 be taken from General File today and be placed on General File for tomorrow.

S. B. No. 65 do pass.

S. B. No. 99 do pass.

Respectlully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Edwards, report adopted and Senate Bills numbered 77, 89, 97, 65, 99 referred to Engrossing Committee, and S. B. No. 98 referred to Committee on Education, S. B. No. 59 referred to General File tomorrow.

The President gave notice that he was about to sign Substitute for House Bills Nos. 2 and 102, and S. B. No. 123, and signed them in open session.

On motion, by unanimous consent, rules suspended and Senate Bill No. 65 considered read a third time at length, read by title only, and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Donlan, Everett, Fairbanks, Kessler, Long, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Tooley.—18.

Noes: None.

Absent and not voting: Conrow, Cowgill, Edwards, Haviland, Metcalf, Muffley, Selway, Sykes, Truscott.—9.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Enrolled Bills beg leave to report that Senate Bills Nos. 6, 11, 12, 15, 20, 27, 28, 42, 47 and Senate Substitute for House Bill No. 67, have been signed by the Speaker of theHouse, and are now in the hands of His Excellency the Governor.

Respectlully,

RAE, Chairman.

On motion of Donlan, seconded by Sykes, Senate adjourned at 3:55 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Forty-Fifth Day.

Helena, Montana, February 17, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

By request Haviland excused.

Journal read and approved as corrected.

Correction in Journal of Forty-Fourth day to read as follows:

"Senate Chamber, Helena, Montana, February 16, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 65, beg leave to report same has been correctly engrossed.

Respectlully,

KESSLER, Chairman.

Report adopted and Senate Bill No. 65 referred to Calendar for third reading."

The President gave notice that he was about to sign House Bill

No. 58 and House Joint Memorial No. 4, and signed same in open session.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 17, 1909

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 46, 33 and 32, beg leave to report as follows: The same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and the President gave notice that he was about to sign Senate Bills Nos. 46, 33 and 32, and signed same in open session.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 43, beg leave to report the same has been signed by the Speaker of the House and is now in the hands of His Excellency the Governor.

Respectlully,

RAE, Chairman.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Steering Committee beg leave to report the following Senate Bills for General File: 100, 91, 92, 90, 105, 85 and 95.

Respectlully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Horticulture, to whom was referred Senate Bill numbered 113, a bill for an Act entitled, "An Act creating a Commissioner of Horticulture, providing his qualifications and duties, fixing the penalties for violation of this Act. and fixing his compensation and relating to the protection of the industry of horticulture, and repealing Sections 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946 and 1947 of the Revised Codes of Montana, 1907," having had same under consideration, beg leave to report and recommend that the same do pass.

Respectlully,

ROMNEY, Chairman.

On motion of Albright, seconded by Romney, report adopted and bill referred to the Printing Committee.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 77, 89, 97 and 99, beg leave to report as follows: That said bills have been correctly engrossed and returned to the Senate.

Respectlully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bills referred

to Calendar for third reading.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Substitute for House Bill numbered 122, a bill for an Act entitled, "An Act to amend Section 1484 of the Revised Statutes of 1907 of the State of Montana, relative to the appointment and duties of boards of health," beg leave to report as follows: That we have had the same under consideration and recommend that it be indefinitely postponed.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 108, a bill for an Act entitled, "An Act requiring sheriffs and constables to notify the County Treasurer and County Assessor of their respective counties whenever a sale is made by them of personal property under a foreclosure of mortgage, writ of attachment, execution or lien," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Meyer, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred House Bill No. 65, a bill for an Act entitled, "An Act to empower counties to establish and maintain public ferries and wharves, and to establish regulations therefor," beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Fairbanks, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 69, a bill for an Act entitled, "An Act to amend paragraph three of Section 899, Article VI, Chapter VII, of the Political Code, relating to taking the school census and providing penalties," having had the same under consideration, beg leave to report as follows: That the bill be amended by striking out the words in Section 3, "not less than twenty-five dollars nor more than two hundred dollars," and

inserting in lieu thereof the words "not less than five dollars nor more than fifty dollars" and by striking out the words "thirty days" and inserting in lieu thereof the words "sixty days" in Section 3, and that so amended that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Meyer, seconded by McDonnell, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 17, 1909.

Your Committee on Judiciary, to whom was referred Senate Bill numbered 37, a bill for an Act entitled, "An Act providing that the first judicial district shall hereafter be composed of the counties of Lewis and Clark and Jefferson, and the fifth judicial district, shall hereafter be composed of the counties of Beaverhead and Madison," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Substitute for House Bill No. 113, a bill for an Act entitled, "An Act to amend Sections 77, 78 and 79, and to repeal Section 80 of the Revised Statutes of Montana, 1907, relating to the compensation of members, officers and employees of the Legislative Assembly, having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Meyer, seconded by McDonnell, report adopted and bill referred to Steering Commitee.

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 45, a bill for an Act entitled, "An Act concerning convicts under sentence of death, and to repeal Sections 9383, 9384, 9385, 9386, 9387, 9388, 9390, 9391, 9392, 9393, and 9394, of the Revised Codes of Montana, 1907, having had the same under consideration beg leave to report as follows: Recommend that Substitute for Senate Bill No. 45 do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Albright, seconded by Meyer, report adopted and Substitute for Senate Bill No. 45, referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 17, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read a first and second time and referred:

By Wood, by request, H. B. No. 327: A bill for an Act entitled, "An Act to amend Section 2601 of the Revised Codes of Montana, of 1907, relating to taxation."

Referred to Judiciary Committee.

By Cummings of Chouteau, H. B. No. 328: A bill for an Act providing for the payment of expenses of State and County Officers, and fixing penalties for violations of this Act."

Referred to Judiciary Committee.

By Hutchinson, H. B. No. 329: A bill for an Act entitled, "An Act to regulate the issuance of licenses of retail liquor dealers in counties and in any city, town, village, camp or township therein."

Referred to Judiciary Committee.

By Shoemaker, H. B. No. 330: A bill for an Act entitled, "An Act to provide for the payment to Edward Wagner of the sum of one thousand (1000) dollars for reimbursement of moneys deposited as evidence of good faith in bidding upon contract."

Referred to Appropriation Committee.

By Christler, H. B. No. 331: A bill for an Act entitled, "An Act to provide for the reformation of erring women and girls."

Referred to Committee on Sanitary Affairs.

By Jacobson, H. B. No. 332: A bill for an Act to repeal Section 2270 of the Revised Codes, relative to entry, settlement and forfeiture of lands, reclaimed by the State under the "Cary Land Act".

Referred to Committee on State Lands.

By Clayberg, by request, H. B. No. 333: A bill for an Act entitled, "An Act embodying and to make uniform the law of warehouse receipts."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 334: A bill for an Act entitled, "An Act embodying the law of sales of goods and to make uniform the law relating thereto."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 335: A bill for an Act entitled, "An Act regulating the labor of jailors in counties of the first, second and third classes, and amending Section 3119, of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs and the salary to be paid the later."

Referred to Committee on Labor.

By Clayberg, H. B. No. 36: A bill for an Act entitled, "An Act to provide for the medical aid and assistance for injuries received by railroad trainmen, or employees, of railroads, during the course of their employment, and providing for the payment thereof."

Referred to Committee on Railroads and Transportation.

By Burke, H. B. No. 337: A bill for an Act entitled, "An Act relating to and to regulate the granting of new trials and the reversal and setting

aside of judgments in criminal causes."

Referred to Judiciary Committee.

By Berkin, Sub. for H. B. No. 251: A bill for an Act entitled, "An Act to repeal Section 1931, and amend Sections 1976 and 1977, of the Revised Codes of Montana, of 1907, relating to Hunting and Fishing License, and the manner of issuing the same and providing a penalty for the violation of this Act."

Referred to Printing Committee.

By Thompson, Substitute for H. B. No. 205: A bill for an Act entitled, "An Act prohibiting the abandoment of sheep by herders and others, and fixing penalties therefor."

Referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 16, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of introduction of bills were to-day given:

By Giovanetti: A bill for an Act entitled, "An Act to repeal Sections 1903, 1906, and 1907, of the Revised Political Code of Montana."

By Arnett: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley."

By Hammond: A bill for an Act providing for the submission to the qualified electors of the State of Montana, of an amendment to Section II, of Article IX, of the Constitution relating to the qualification of officers, and authorizing the legislative assembly to prescribe the qualifications for the offices of County Superintendent of Schools and Superintendent of Public Instruction.

By Clayberg: A bill for an Act entitled, "An Act to regulate the ownership or possession of lands by liens."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bill was to-day introduced, read first and second time, and referred.

By Norton, Sub, H. B. 210: A bill for an Act entitled, "An Act concerning tree planting and Arbor Day, and to amend Section 1022 of the Revised Codes of Montana, 1907."

Referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Concurrent Resolution No. 2, in relation to creation of Glasier Park, has this day been read a third time and concurred in and is

herewith transmitted to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 15, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House bill No. 124, and H. B. No. 150, were this day read a third time and passed, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 78 has this day been reported back from the Judiciary Committee of the House with the recommendation that it be not concurred in.

Report adopted and Senate Bill No. 78 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

By unanimous consent Donlan was granted permission to introduce a bill without previous notice:

The folowing bills were this day introduced, read a first and second time and referred:

By Truscott, S. B. No. 115: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana; to be composed of the County of Valley; and to change the boundaries of the Twelfth Judicial District, of the State of Montana, to conform thereto; and to provide for the appointment, powers, duties and compensation and term of office of the judge of the judicial district."

Referred to Judiciary Committee.

By Cockrell, Senate Bill No. 116: A bill for an Act entitled, "An Act to amend Section 5332 of the Revised Codes of the State of Montana, of 1907, relating to common carriers."

Referred to Committee on Judiciary.

By Donlan, by request, Senate Bill No. 117: A bill for an Act to create the county of Highwood, designate its boundaries and provide for its organization and government.

Referred to Committee on Counties, Towns and Municipal Corporations.

By Pomeroy, H. B. No. 124: A bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XVI, Part IV, Division III, Revised Codes of Montana, 1907, relating to loggers' liens."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Werner, H. B. No. 150: A bill for an Act entitled, "An Act to add an additional Section to Article II, Chapter II, Title II, Part IV, of the Political Code of Montana, relating to county printing, to be designated as Section 4234, providing a penalty for the violation of Section 4233 of the Political Code."

Referred to Committee on Finance and Claims.

On motion of Donlan, seconded by Fairbanks, Senate resolved itself into a Committee of the Whole, for the consideration of bills on General File with,

Everett in the chair.

Committee arose.

Senate resumed.

President in the chair.

Everett, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend that:

S. B. No. 59, be amended in Section 4, by striking out in line 23 the "period" after the word "Annum", and adding the following "And actual necessary expenses while engaged in the outside work connected with this office, and as so amended the bill do pass."

S. B. No. 100 do pas.

S. B. No. 91 do pass.

S. B. No. 92 do pass.

S. B. No. 90 do pass.

S. B. No. 105 do pass.

S. B. No. 85 do pass.

S. B. No. 95 do pass.

Respectfully,

EVERETT, Chairman.

On motion of Rae, seconded by Donlan, report of Committee of the Whole adopted and Senate Bills numbered 58, 100, 91, 92, 90, 105, 85, 95 referred to Engrossing Committee.

By unanimous consent, rules suspended, and bills on third reading considered read at length read by title only.

S. B. No. 77 read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland Kessler, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—15.

Noes: Long, Muffley.—2.

Absent and not voting: Albright, Cockrell, Conrow, Cowgill, Metcalf, Meyer, Romney, Selway, Sykes, Truscott.—10.

Title agreed to.

S. B. No. 99 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Kessler, Long, Muffley, McCarthy, McDonnell McCone, Rae, Tooley.—14.

Noes: Everett, Fairbanks, Sanders.—3.

Absent and not voting: Cockrell, Conrow, Cowgill, Haviland, Metcalf, Meyer, Romney, Selway, Sykes, Truscott.—10.

Title agreed to.

S. B. No. 89 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—19.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Metcalf, Romney, Selway, Sykes, Truscott.—8.

Title agreed to.

S. B. No. 97 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—19.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Metcalf, Romney, Selway, Sykes, Truscott.—8.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Concurrent Resolution No. 2, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and the President announced that he was about to sign Senate Concurrent Resolution No. 2, and signed same in open session.

Committee on Fish and Game reported as follows:

Senate Chamber, Helena, Montana, February 17, 1909.

Mr. President:

Your Committee on Fish and Game, to whom was referred House Bill No. 126, a bill for an Act entitled, "An Act to amend Sections 8782, 8783, 8784, 8785, 8787 and 8788 of the Revised Codes of Montana, 1907, relating to the protection and killing of wild game and beaver, and preventing the sale of beaver skins, and providing a punishment for the violation of this Act," having had the same under consideration, beg leave to report as follows: That Section 2 be amended to read as follows:

"That Section 8783 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Section 8783. Any person who wilfully shoots or kills, or causes to be shot or killed, any moose, bison, buffalo, caribou, antelope or beaver, shall be punished by imprisonment in the county jail for not less than six months nor more than two years, or shall be fined not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment; provided, that any taxpayer and bona fide owner of real estate in this State may upon his own premises or upon the right of way of his own ditches, kill or destroy beaver, when necessary for the protection of his dam, irrigating ditches and trees,

and to prevent the overflowing of water on his premises. Any person who wilfully shoots or kills or causes to be shot or killed, any quail, Chinese pheasants, Hungarian pheasants, or turtle dove, shall be punished by imprisonment in the county jail for a term of not less than thirty days nor more than twelve months, or by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by both such fine and imprisonment.

That Section 4 be amended to read as follows:

"That Section 8785 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Section 8785. Any person who shall sell or offer for sale the skin or skins of any beaver within this State, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a term of not less than ninety days nor more than twelve months, or by a fine of not less than fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment.

That Section 5 be amended to read as follows:

That Section 8787 of the Revised Codes of Montana, 1907, be and the same is hereby amended to read as follows:

Section 8787. Any person who, between the first day of November of any year, and the first dty of October of the following year, wilfully shoots or kills or causes to be shot or killed, any grouse, prairie chicken, fool hen, sage hen, pheasant or partridge, or who during the open season shoots or kills or causes to be shot or killed more than five grouse or prairie chickens or sage hens or fool hens or pheasants or partridges in any one day, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars or by imprisonment in the county jail for a term of not less than ninety days or more than twelve months, or by both such fine and imprisonment.

That Section 6 be amended by striking out the word "fifteenth" before the word "days" in the second line of Section 8788, and substituting in lieu thereof the word "first," and that as so amended the bill be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by McCone, report adopted and bill referred to Steering Committee.

By unanimous consent Romney was granted permission to introduce a bill without previous notice, and introduced three boxes of apples with the compliments of the Bitter Root Fruit Growers' Association.

On motion of Meyer, seconded by Donlan, a vote of thanks was extended to the Bitter Root Fruit Growers' Association for the apples presented.

Notice of introduction of bill was this day given as follows:

By Kessler: A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy clerks and sheriffs."

On motion of Meyer, seconded by Donlan, Senate adjourned at 3:45 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Forty-Sixth Day.

Helena, Montana, February 18, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Donlan, by unanimous consent, introduced Senate Concurrent Resolution No. 5, as follows:

WHEREAS, it is the desire of a large number of the Senators and Representatives of the Eleventh Legislative Assembly to visit Butte, Missoula and Hamilton within the next few days;

NOW THEREFORE BE IT RESOLVED, the House concurring, that the Eleventh Legislative Assembly stand adjourned from this evening, February 18, until Tuesday, February 23, at the hour of 2:30 P. M.

Resolution read and on motion of Donlan, seconded by Romney, adopted and transmitted to the House for its concurrence.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 140, a bill for an Act entitled, "An Act making appropriation for the Board of Railroad Commissioners for the State of Montana, for the two months ending February 28, 1909, having had same under consideration, beg leave to report as follows: Respectfully recommend that the bill be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 87, a bill for an Act entitled, "An Act for the appropriation of money to pay the bounty claim of a certain person," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and

bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 156, a bill for an Act entitled, "An act appropriating money for the payment of deficiency claims for the maintenance of the State University at Missoula, Montana," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 105, a bill for an Act entitled, "An Act appropriating the sum of $2500.00 to aid in stocking a bison range within the limits of the State of Montana," having had the same under consideration, beg leave to report as follows: That the same be amended by striking out the words "State Treasury" and inserting in lieu thereof the words "Fish and Game Fund," and as so amended that the bill be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 107, a bill for an Act entitled, "An Act authorizing the payment of certain bounty claims and appropriating money from the State Bounty Fund for the payment thereof," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Donlan, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 114, a bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana," having had the same under consideration, beg leave to report as follows: Respectfully recommend

that the bill do not pass.

Respectfully,

McCONE, Chairman.

On motion of Edwards, seconded by Fairbanks, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 90, 91, 92, 95, 100 and 105, beg leave to report as follows: That same have been correctly engrossed.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 110, being a bill for an Act to amend Section 918 of the Revised Codes of Montana of 1907, relating to the establishment of county free high schools, having had the same under consideration, beg leave to report and recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Rae, seconded by Fairbanks, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill No. 118, a bill for an Act entitled, "An Act to amend Section 882 of the Revised Codes of Montana of 1907, relating to the letting of contracts by school trustees," having had the same under consideration, beg leave to report and recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Fairbanks, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Steering Committee beg leave to report the following bills for General File: Senate Bills numbered 49 and 63, House Bills numbered 65, 113, 115 and 126.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills 73, 80, 58, 102, 111, 112, beg leave to report that the same have been

correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to Steering Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following House bills were read first and second times and referred:

By Giovanetti, H. B. No. 345: A bill for an Act entitled, "An Act to repeal Sections 1905, 1906 and 1907 of the Revised Political Code of Montana, and enacting in lieu thereof Sections to be numbered 1905, 1906, 1907(a), 1907(b), 1907(c), 1907(d), 1907(e), 1907(f), 1907(g), providing for the appointment of a state bounty inspector, prescribing his duties and compensation and to amend Section 1904, 1911 and 1912 of the Revised Political Codes of the State of Montana."

Referred to Appropriation Committee.

By Crouch, H. B. No. 344: A bill for an Act prescribing the maximum fees to be charged by physicians, defining the word physician, and providing penalties for violations thereof.

Referred to Committee on Sanitary Affairs.

By Committee on Appropriations, H. B. No. 343: A bill for an Act to appropriate money for the payment of deficiency claims of the State prison during the year ending February 28, 1909.

Referred to Appropriation Committee.

By Shoemaker, H. B. No. 342: A bill for an Act to prohibit the establishment or maintenance of saloons or places where malt, vinous or spiritous liquors are sold at retail, within two thousand feet of any State educational institution, and prohibiting the issual of permits or licenses therefor, and fixing a punishment for the violation of this Act.

Referred to Committee on State Institutions.

By Arnett by request, H. B. No. 341: A bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District, of the State of Montana, to conform thereto, and to provide for the appointment, powers, duties and compensation, and term of office, of the Judge of the said Judicial District."

Referred to Judiciary Committee.

By Clayberg, H. B. No. 340: A bill for an Act entitled, "An Act to regulate the ownership or possession of lands by aliens."

Referred to Committee on Conservation of Resources.

By Clayberg, by request, H. B. No. 339: A bill for an Act entiitled, "An Act to amend Section 6796 of the Revised Codes of the State of Montana, relating to new trials."

Referred to Judiciary Committee.

By Committee on Education, H. B. No. 338: A bill for an Act providing for the submission to the qualified electors of the State of Mon-

tana of an amendment to Section II, of Article IX, of the Constitution relating to the qualifications of officers, and authorizing the legislative assembly to prescribe the qualifications for the officers of County Superintendent of Public Instruction.

Referred to Committee on Privileges an Election.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notices of the introduction of bills were to-day given:

By Burke: A bill entitled, "An Act to regulate the condition and installation of public and private crossings over railroad tracks, and conferring power upon the railroad commission to make orders concerning the same.

By Mitchell: A bill for an Act entitled, "An Act empowering the Secretary of State to grant automobie llicenses."

By Berkin: A bill for an Act to amend Section 5, of Chapter 57, of the Laws of 1905, relating to the issuance of game licenses by justices of the peace.

By Allen, of Deer Lodge: A bill for an Act concerning minors playing on billard and pool tables.

By Berkin: A bill for an Act entitled, "An Act to amend an Act entitled 'An Act to prohibit the reporting or recording or registering of any bet or wager, upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered and providing penalties for the breach of the same, which act is approved on February 16, 1909, and prohibiting the making or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalties for a breach of the same."

By Smith, by request: A bill for an Act entitled, "An Act to create the State Accident Insurance and Total Permanent Fund for employees in and around metaliferous mines, mills and smelters in the State of Montana, and providing for the maintenance and management of the same, extending and defining the duties of the State Auditor; and fixing the penalties for the violations of the provisions of this Act."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 34, was to-day read a third time and not concurred in, and Senate Bill No. 34 is herewith returned to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 17, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 66, was to-day read a third time and concurred in as amended by the House and is herewith returned to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House amendments to Senate Bill No. 66, concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kesler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders.—16.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Everett, Long, Muffley, Rae, Selway, Sykes, Tooley, Truscott.—11.

Senate Bill No. 66 referred to Engrossing Committee.

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Joint Resolution No. 5, was this day read and concurred in and is herewith transmitted.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the House requests Senate Bill No. 34 be recalled from the Senate and transmitted to the House for the purpose of reconsidering the vote by which it was concurred in.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Senate Bill No. 34, returned to the House.

By unanimous consent Albright and Donlan introduced bills without previous notice.

The following bills were introduced, read first and second times and referred:

By Donlan, S. B. No. 118: A bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana, of 1907, to annually provide for vaccination of pupils and teachers attending or employed at any school in the State of Montana, by a legally qualified physician and surgeon, to be designated and paid out of the general fund by the Board of County Commissioners of each county, the designation of such physician and surgeon to be approved by the State Board of Health."

Referred to Committee on Education.

By Albright, S. B. No. 119: A bill for an Act entitled, "An Act to provide an additional judge for the fifth judicial district of the State of Montana, so that there will hereafter be two judges in said district."

Referred to Judiciary Committe.

By Kessler, S. B. No. 120: A bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy clerks and sheriffs."

Referred to Committee on Counties, Towns and Municipal Corporations.

Steering Committee recommended that Senate Bill No. 11, be placed on Gneeral File to-day.

On motion of Edwards, by unanimous consent, Senate Bill No. 111 was placed on General File to-day.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File, with Romney in the chair.

Committee arose.

Senate Resumed.

President in the chair.

Romney, chairman of the Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 63 do pass.

S. B. No. 49 do pass.

H. B. No. 126 be amended in the title as follows: Substitute for H. B's. 24 and 32 introduced by Berkin, of the Fish and Game Committee", and as amended that the bill be concurred in.

H. B. No. 65 be concurred in.

Substitute H. B. No. 113 be concurred in.

S. B. No. 111 do pass.

Respectfully,

ROMNEY, Chairman.

Moved by Albright, seconded by Romney, that report of the Committee of the Whole be adopted as read.

Donlan moved as a substitute that H. B. No. 115 be placed on General File for Tuesday February 23.

Substitute motion prevailed. Report adopted excepting H. B. No. 115, which was placed on General File for Tuesday February 23, 1909.

Senate Bills Nos. 63, 49, and 111 referred to Engrossing Committee.

Substitute for House Bills Nos. 24 and 32, and House Bills, Nos. 126, 65, Sub. 113 referred to Calendar for third reading.

The following message from His Excellency the Governor was received and read:

Executive office,
Helena, Montana.

February 18, 1909.

To the President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that the following Senate Bills have

been approved and deposited with the Secretary of State:

No. 43: An Act authorizing the State Auditor to issue duplicate warrants when the original warrant has been lost or destroyed.

No. 33: An Act to amend Section 480 of the Revised Codes of the State of Montana, of 1907, relative to questions to be put to the electors and cancelling of registration of electors.

No. 46: An Act to amend Section 4062 Revised Codes of the State of Montana, 1907, relating to the manner in which insurance companies associations, or partnerships may transact business in the State of Montana.

EDWIN L. NORRIS, Governor.

On motion of Meyer, seconded by Kessler, House Bill No. 126 be returned to the House for correction of History.

On motion of Donlan, by unanimous consent, Senate Bills Nos. 49 and 111, were withdrawn from Engrossing Committee and considered engrossed and placed to third reading today.

On motion by unanimous consent rules were suspended and Senate bills on third reading considered read at length read by title only.

S. B. No. 90, read a third time and passed by th following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairabnks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders, Tooley.—18.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgil, Long, Muffley, Rae, Selway, Sykes, Truscott.—9.

Title agreed to.

S. B. No. 91 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Tooley.—17.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Long, Muffley, Rae, Romney, Selway, Sykes, Truscott.—10.

Title agreed to.

S. B. No. 92 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Sanders, Tooley.—17.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Long, Muffley, Rae, Romney, Selway, Sykes, Truscott.—10.

Title agreed to.

S. B. No. 105 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—19.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Muffley, Romney, Selway, Sykes, Truscott.—8.

Title agreed to.

S. B. No. 95 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—20.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Romney, Selway, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 100 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—20.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Romney, Selway, Sykes, Truscott.—7.

Title agreed to.

S. B. No. 49 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—18.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Kessler, Meyer, Romney, Selway, Sykes, Truscott.—9.

Title agreed to.

S. B. No. 111 passed by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—18.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Kessler, Meyer, Romney, Selway, Sykes, Truscott —9.

Title agreed to.

H. B. No. 65 Concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Tooley.—18.

Noes: None.

Absent and not voting: Cockrell, Conrow, Cowgill, Kessler, Meyer, Romney, Selway, Sykes, Truscott.—9.

Title agreed to.

Sub. for H. B. No. 113 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, Rae, Sanders, Tooley.—17.

Noes: Meyer, McCone, McDonnell.—3.

Absent and not voting: Cockrell, Conrow, Cowgill, Romney, Selway Sykes, Truscott.—7.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 18, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 32, 33 and 46, beg leave to report as follows:

The same have been signed by the Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Notice of an introduction of a bill was given as follows:

By Committee on Privileges and Elections: An Act to provide for ascertaining the duties of the electors of the State of Montana of a candidate of a Senator in Congress for Montana for each political party in said State.

On motion of Donlan, seconded by Edwards, Senate adjourned at 3:50 P. M. until 2:30 P. M. Tuesday, February 23, 1909.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-First Day.

Helena, Montana, February 23, 1909.

Senate convened at 2:30 P. M.

President Pro Tem in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 107, a bill for an Act entitled, "An Act providing the conditions under which foreign mortgage and loan corporations or joint stock companies may transact business in the State of Montana," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the substitute bill herewith returned do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, duly seconded, report adopted and substitute bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 160, a bill for an Act entitled, "An Act to amend Sections 3808, 3825, 3826 of the Revised Codes of Montana of 1907, relating to corporations,

and to authorize corporations to acquire, own, hold, mortgage, pledge and dispose of capital stock, bonds, securities, or other evidence of indebtedness of other corporations," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill No. 116, a bill for an Act entitled, "An Act to amend Section 5332 of the Revised Codes of the State of Montana, 1907, relating to common carriers," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, duly seconded, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 119, a bill for an Act entitled, "An Act to provide an additional judge for the Fifth Judicial District of the State of Montana, so that there will hereafter be two judges in said district," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, seconded by Tooley, report adopted and bill referred to Printing Committee.

Senate Chamber. Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 115, a bill for an Act entitled, "An Act to create the Fourteenth Judicial District of the State of Montana, to be composed of the County of Valley, to change the boundaries of the Twelfth Judicial District of the State of Montana to conform thereto, and to provide for the appointment, powers, duties and compensation and term of office of the judge of said judicial district," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, duly seconded, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Education, to whom was referred Senate Bill numbered 118, a bill for an Act entitled, "An Act to amend Section 1504 of the Revised Statutes of Montana of 1907, to annually provide free vaccination to pupils and teachers attending or employed at any school in the State of Montana by a legally qualified physician and surgeon, to be designated and paid out of the General Fund by the Board of County Commissioners of each county, the designation of such physician and surgeon to be approved by the State Board of Health," having had the same under consideration, respectfully recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Fairbanks, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Counties, Towns, and Municipal Corporations to whom was referred Senate Bill numbered 38, a bill for an Act to amend Sections 3259, 3278, 3285, 3288, and 3289, of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana, of the compilation of 1907, an Act to amend Sections 3259, 3278, 3283, 3285, 3288, and 3289, of Article 4, Chapter 3, Title 3, Part 4, of the Political Code of Montana, of the compilation of 1907," beg leave to report as follows: That we have had the same under consideration and recommend that it be indefinitely postponed.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, duly seconded, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: S. B. No. 112, House Bills Nos. 118, 107, 140, 156, 87, and 105.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bills numbered 69, 108, 110, and 113, beg leave to report that the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

On motion of Sanders, duly seconded, report adopted and bills referred to Steering Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 63 and 85, beg leave to report as follows: That same have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was re-referred Senate Bill numbered 66, beg leave to report as follows: That Senate Bill No. 66 has been correctly re-engrossed, and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bill referred to Enrolling Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 191, a bill for an Act entitled, "An Act to provide for the creation, government, and extension of a publicity bureau for the State of Montana, to prescribe the selection, powers and duties of a commissioner of publicity, to provide for the acquisition and for the maintenance of a hall of exhibits, of the resources, progress and development of Montana, and to make an appropriation therefor," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the bill be not concurred in for the reason of opinion of Attorney General herewith attached.

Respectfully,

McCONE, Chairman.

On motion of Donlan, duly seconded, report adopted and bill not concurred in.

The following communication from His Excellency the Governor received and read:

Executive Office, Helena, Montana, February 23, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that I have approved and deposited with the Secretary of State, Senate Bill No. 32: An Act to detach Teton county from the Eleventh Judicial District and attach it to the Eighth Judicial District and to provide for an additional judge for the Eighth Judicial District, so that there will hereafter be two judges in the said Eighth Judicial District.

I have also approved and deposited with the Secretary of State,

Senate Concurrent Resolution No. 2, relative to the creation of Glacier Park.

EDWIN L. NORRIS, Governor.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notice of introduction of bills were today given:

By Gray: A bill for an Act entitled, "An Act relating to justice of peace fees."

By Derry: A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation, and abolishing the office of road supervisors in counties of the first class.

By Coit: A bill for an Act to create the County of Independence, designating and defining its boundaries, providing for its organization and government, to apportion the indebtedness existing between the said County of Independence and the Counties of Deer Lodge, Silver Bow and Jefferson.

By Clayberg: A bill for an Act entitled, "An Act guaranteeing bank deposits."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today read first and second times and referred:

By Committee on Judiciary, Sub. for H. B. No. 261: A bill for an Act entitled, "An Act to amend Section 6813 of the Revised Codes and to repeal Section 6818 of the Revised Codes, relating to the issuance of execution.

Referred to Printing Committee.

By Woody, H. B. No. 346: A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of one hundred thousand dollars, and to provide for the issuance of bonds in the name of the state for the redemption of bonds heretofore executed, and issued by the State Board of Land Commissioners for the use and benefit of various State Educational institutions; and also to make whole the permanent funds of the various State Educational Institutions, approved March 1, 1907.

Referred to Judiciary Committee.

By Gray, H. B. No. 347: A bill for an Act entitled, "An Act providing for the appropriation of eight thousand dollars ($8,000.00) from the Fish and Game Fund of the State of Montana, to be used for the purchase of pheasants and such other game birds as may be adapted to

the State of Montana, and for the distribution of such birds among the various counties."

Referred to Committee on Appropriations.

By Werner, H. B. No. 348: A bill for an Act entitled, "An Act to prohibit public school officers, and employees from asking, instructing, or ordering public school pupils, to solicit funds for any purpose and providing penalties for violation thereof."

Referred to Committee on Education.

By Butzerin, H. B. No. 349: A bill for an Act entitled, "An Act relating to suits for divorce, alimony, and annulment of marriage; authorizing courts to fix time in which divorced parties may remarry; providing a penalty for the violation of decrees; and repealing Sections 3636, 3637, 3643, 3644, 3645, and 3646, of the Revised Codes of Montana, of 1907."

Referred to Judiciary Committee.

By Roy, H. B. No. 350: A bill for an Act entitled, "An Act for the protection of employees, discharged from their employment and providing penalties for the violation of the same."

Referred to Committee on Labor.

By Allen, H. B. No. 351: A bill for an Act concerning minors playing on billiard and pool tables.

Referred to Committee on Sanitary Affairs.

By Burke, H. B. No. 352: A bill for an Act to regulate the condition, and installation of public private crossings over railroad tracks, and conferring power on the railroad commission to make orders concerning the same.

Referred to Committee on Railroads and Transportation.

By Committee on Live Stock and Public Ranges, H. B. No. 353: A bill for an Act to regulate the shipment of live stock into this state providing for the inspection thereof, and the issuance of test charts, and health certificates, and providing penalties for a violation thereof."

Referred to Committee on Live Stock and Public Ranges.

By McCoy, H. B. No. 354: A bill for an Act entitled, "An Act to amend Section 6378, of the Revised Codes of Montana, 1907, relating to salary and mileage of court stenographers."

Referred to Judiciary Committee.

By Bogart, H. B. No. 355: A bill for an Act relating to the valuation of the property of railroads for al purposes of rate regulation, by the Board of Railroad Commissioners, or the courts, and providing rules of evidence relating to the same."

Referred to Committee on Railroads and Transportation.

By Berkin, H. B. No. 356: A bill for an Act entitled, "An Act to amend an Act entitled, "An Act to prohibit the reporting or recording or registering of any bets or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same," which Act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any

bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days, when such bets or wagers may be made, recorded, reported or registered, and providing penalties for the breach of the same."

Referred to Committee on Affairs of Cities.

By Berkin, H. B. No. 357: A bill for an Act to amend Section 5, of Chapter 57, of the laws of 1905, relating to the issuance of game license by justices of the peace.

Referred to Committee on Fish and Game.

By Whaley, H. B. No. 358: A bill for an Act regulating the manufacture and sale of butter and other dairy products, and the development of such industry in the State of Montana.

Referred to Committee on Sanitary Affairs.

By Committee on Banks and Banking, H. B. No. 359: A bill for an Act relating to Banks and Banking and providing for the creation of a surplus fund.

Referred to Committee on Banks and Banking.

By Committee on Insurance, H. B. No. 360: A bill for an Act entitled, "An Act to permit foreign surety companies to do business in this State and regulating the method thereof."

By Committee on Railroads and Transportation, Substitute for House Bill No. 213: A bill for an Act entitled, "An Act to regulate the transportation of coal and to provide for the payment for loss of coal in transit."

Referred to Printing Committee.

By Committee on Live Stock and Public Ranges, H. B. No. 361: A bill for an Act entitled, "An Act to provide for the extermination of wolves and coyotes, by inoculation of the same with mange, and to place such duties under the charge of the State Veterinarian, and to make an appropriation for such experiments."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B. No. 362: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana."

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 363: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim on account of Montana State Reform School."

Referred to Appropriations Committee.

By Committee on Appropriations, H. B. No. 364: A bill for an Act entitled, "An Act appropriating money for the payment of taxes overpaid the State of Montana in error in the year 1908."

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 365: A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B. No. 366: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B. No. 367: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the State fish hatchery at Anaconda, Montana."

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 368: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services furnished the Montana State Fair Association during the year 1908."

Referred to Committee on Appropriations.

By Whaley, H. B. No. 369: A bill for an Act to amend Section 4845 of the Revised Codes of the State of Montana, relating to the priority of water rights, from the streams of this State.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 19, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bills Nos. 60, 70 and 87 were read three several times and concurred in, and said bills are herewith returned to the Senate.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House amendments to Senate Bill No. 60 concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Kessler, Long, Metcalf, Meyer, Muffley, McCone, Selway.—8.

Bill referred to Engrossing Committee.

House amendments to Senate Bill No. 70 concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Albright, Daly, Kessler, Long, Metcalf, Meyer, Muffley, McCone, Selway.—9.

Senate Bill No. 70 referred to Engrossing Committee.

Senate Bill No. 87 referred to Enrolling Committee.

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Concurrent Resolution 2 and House Bills numbered 198, 201, 234, 203, 200, 190, and Sub. for House Bill No. 172, H. Bs. Nos. 166, 161, 148, 143, 133, 110, 23, 88, 127, and Sub. for H. B. No. 136, were read a third time and passed and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 18, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 64 was reported back from the Committee on Railroads and Transportation with the recommendation that the bill be not concurred in, report adopted, and Senate Bill No. 64 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Sanders, the Senate resolved itself into a Committee of the Whole for the consideration of Bills on General File, with Cockrell in the chair.

Committee arose.

Senate resumed.

President Pro Tem Everett in the chair.

Cockrell, chairman of the Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instructs me to report and recommend that:

S. B. No. 112 do pass.

H. B. No. 118 be concurred in.

H. B. No. 107 be concurred in.

H. B. No. 115 be concurred in.

H. B. No. 140 be concurred in.

H. B. No. 156 be concurred in.

H. B. No. 187 be concurred in.

H. B. No. 105, the enacting clause be stricken out.

Respectfully,

COCKRELL, Chairman.

On motion of Sanders, seconded by McCone, report adopted, and House Bills numbered 118, 107, 115, 140, 156, 187 referred to Calendar for third reading.

On motion of Truscott, seconded by Edwards, rules suspended and Senate Bill No. 112 considered engrossed and placed on Calendar for third reading today.

The following bills were introduced, read first and second times and referred.

By unanimous consent Annin, McDonnell and Long were granted permission to introduce bills without previous notice.

By Annin, S. B. No. 121: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, relating to salaries of deputies and classification."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Committee on Elections and Privileges, S. B. No. 122: A bill for an Act entitled, "An Act to provide for ascertaining the choice of the electors of the State of Montana of a candidate for Senator in Congress for Montana, for each political party in said State."

Referred to Committee on Elections and Privileges.

By Committee on Railroads and Transportation, S. B. No. 123: A bill for an Act entitled, "An Act regulating and governing contracts relative to the shipment of live stock and the giving of notice or claim for loss or damage thereto."

Referred to Committee on Railroads and Transportation.

Senate Joint Resolution No. 6, by Long: Relating to the creation of a new division of the railway mail service.

Referred to Committee on Federal Relations.

The following bills were read first and second times and referred:

By Byrnes, H. B. No. 133: A bill for an Act entitled, "An Act relating to the proof of corporate existance and providing for the manner of proving the corporate character of any corporation domestic or foreign."

Referred to Committee on Corporations other than Municipal.

By Bray, H. B. No. 143: A bill for an Act entitled, "An Act to amend Section 2887, of the Revised Statutes of Montana, of 1907, relating to the meetings and proceedings of the Board of County Commissioners and the publication thereof."

Referred to Committee on Judiciary.

By Committee on Insurance, H. B. No. 14: A bill for an Act entitled, "An Act concerning the duration and renewal of Life Insurance Corporations, and the number of directors thereof."

Referred to Committee on Insurance.

By Duncan, H. B. No. 166: A bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Wilham: H. B. No. 201: A bill for an Act to regulate the hours of labor of telephone operators in cities and towns having a population of two thousand or over."

Referred to Committee on Labor and Capital.

By Saffley, H. B. No. 198: A bill for an Act entitled, "An Act to amend Section 1770 of the Revised Codes of Montana, of 1907, relating to the burial of dead bodies, and prescribing the duty of the attending physician in making certificate of the cause of death."

Referred to Committee on Judiciary.

By Committe on Labor, Sub. for House Bill No. 136: A bill for an Act entitled, "An Act providing for the temporary floors and safe scaffolding in buildings during the erection thereof, for the protection of the persons working theron."

Referred to Committee on Labor and Capital.

By Committee on Education, Concurrent Resolution No. 2: A concurrent resolution relating to applications by institutions of higher education of the State of Montana for admission to the benefits of the retiring allowance system of the Carnegie foundation for the advancement of teaching.

Referred to Committee on Education.

By Whaley, H. B. No. 23: A bill for an Act entitled, "An Act to amend Section 6364, Revised Codes of Montana, of 1907, relating to the empanneling of grand juries."

Referred to Committee on Judiciary.

By Gray, H. B. No. 127: A bill for an Act entitled, "An Act requiring the State Board of Commissioners for insane and the clerk thereof of the State of Montana, to make report to the district court showing the condition of the inmates of said asylum.'

Referred to Committee on Judiciary.

By Burke, H. B. No. 88: A bill for an Act, making it the duty of the Sheriff of each county to visit in January and July of each year every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commissioners and to the State Examiner."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Burke, H. B. No. 110: A bill for an Act to amend Section 2746 Revised Codes of Montana, 1907, relating to licenses."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Harbert, H. B. No. 161: A bill for an Act to provide for the erection of docks and wharves on the navigable water within the State of Montana, and to provide for their management and control.

Referred to Committee on Roads, Highways and Bridges.

By Gray, H. B. No. 190: A bill for an Act entitled, "An Act to amend Section 1346 of the Revised Codes of Montana, 1907, relating to taxes for road purposes."

Referred to Committee on Finance and Claims.

By Brewster, H. B. No. 200: A bill for an Act to provide for the gathering and sale of horses, mules and asses, the ownership of which is uncertain or unknown."

Referred to Committee on Stock Growing and Grazing.

By Cluston, H. B. No. 234: A bill for an Act entitled, "An Act to appropriate money to pay the per diem and mileage of witnesses called by the Joint Committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony and serving subpoe-

naes in said investigation."

Referred to Committee on Finance and Claims.

By Ward, H. B. No. 203: A bill for an Act entitled, "An Act to amend Section 3318, 3321, and 3324, of the Revised Statutes of Montana of 1907, relating to the formation of a board of Park Commissioners for cities of the first class."

Referred to Committee on Counties, Towns and Municipal Corporations.

By McDonnell, Sub. for H. B. No. 172: A bill for an Act relating to certain deputy and assistant county officers in counties of the first class."

Referred to Committee on Counties, Towns and Municipal Corporations.

On motion by unanimous consent, rules were suspended and bills on third reading were considered read at length, read by title only.

S. B. No. 63, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Everett, Fairbanks, Haviland, Kessler, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Donlan, Edwards, Long, Metcalf, Meyer, Muffley, Selway.—8.

Title agreed to.

S. B. No. 85, read a third time and pased by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Kessler, McCarthy, McDonnell, Romney, Sanders, Sykes, Tooley, Truscott.—16.

Noes: Daly, Haviland, McCone, Rae.—4.

Absent and not voting: Albright, Donlan, Long, Metcalf, Meyer, Muffley, Selway.—7.

Title agreed to.

S. B. No. 112, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Cockrell, Donlan, Long, Metcalf, Meyer, Muffley, Selway.—8.

Title agreed to.

H. B. 126, Sub. for H. B. No. 24 and 32, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Cowgill, Daly, Conrow, Edwards, Fairbanks, Haviland, Kesler, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—18.

Noes: Everett.—1.

Absent and not voting: Albright, Donlan, Long, Metcalf, Meyer, Muffley, McCarthy, Selway.—8.

Title agreed to.

H. B. No. 118, read a third time and concurred in by the following vote:

Ayes: Annin, Cordwell, Cockrell, Conrow, Cowgill, Daly, Edwards. Everett, Fairbanks, Haviland, Kessler, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Albright, Donlan, Long, Metcalf, Meyer, Muffley, Selway.—7.

Title agreed to.

H. B. No. 107, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fanrbanks, Haviland, Kessler, Long, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—21.

Noes: Daly.—1.

Absent and not voting: Albright, Metcalf, Meyer, Muffley, Selway.—5.

Title agreed to.

H. B. No. 115, read a third time and concurred in by the following vote:

Ayes: Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Haviland, Kessler, Long, McCarthy, McDonnell, Rae, Romney, Sanders, Truscott.—15.

Noes: Annin, Cowgill, Everett, Fanrbanks, McCone, Sykes, Tooley.—7.

Absent and not voting: Albright, Metcalf, Meyer, Muffiey, Selway.—5.

Title agreed to.

H. B. No. 140, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Albright, Donlan, Long, Metcalf, Muffley, Selway.—6.

Title agreed to.

H. B. No. 156, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Albright, Cowgill, Everett, Metcalf, Muffley, Romney, Selway, Truscott.—8.

Title agreed to.

H. B. No. 87, concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Edwards, Everett, Fanrbanks, Haviland, Kessler, Long, Meyer, McCarthy, McCone, McDon-

nell, Rae, Sanders, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Albright, Cowgill, Donlan, Metcalf, Muffley, Romney, Selway.—7.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Roads, Highways and Bridges, to whom was referred House Bill No. 161, a bill for an Act to provide for the erection of docks and wharves on the navigable waters within the State of Montana, and to provide for their management and control" beg leave to report as follows, that we have had same under consideration and recommend that it be concurred in.

Respectfully,

SYKES, Chairman.

On motion of Truscott, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 23, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Concurrent Resolution No. 2, beg leave to report as follows: That same has been signed by the Speaker of the House and is now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

By request of Edwards, Metcalf excused.

On motion of Donlan, seconded by Fairbanks, Senate adjourned at 4:45 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Second Day.

Helena, Montana, February 24, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 24, 1909.

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 66 and 87, beg leave to report as follows: That same have been correctly enrolled.

Respectlully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Bills numbered 66 and 87 and signed same in open session.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 94, a bill for an Act entitled, "An Act to create the County of Stillwater, by designating and defining its boundaries, and to provide for its organization and to apportion the indebtedness existing between said County of Stillwater and the Counties of Carbon, Sweet Grass and Yellowstone," beg leave to report as follows: That we have had same under consideration and recommend that it be printed.

Respectlully,

DONLAN, Chairman.

Donlan moved, seconded by Edwards, that report be adopted.

Meyer moved as a substitute, seconded by McCone, that bill be indefinitely postponed.

Substitute motion lost, report adopted, and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 60 and 70, beg leave to report as follows: That same have been re-engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and bills referred to Enrolling Committee.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill numbered 59, beg leave to report as follows: That same has been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and bill referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: Senate Bills numbered 58, 73, 80, 103, and 108, House Bill numbered 161.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 117, a bill for an Act entitled, "An Act to create the County of Highwood, designate its boundaries, and provide for its organization and government," beg leave to report as

follows: That we have had the same under consideration, and recommend that it be indefinitely postponed.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Fairbanks, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 110, a bill for an Act entitled, "An Act to amend Section 2746 of the Revised Codes of Montana, 1907, relating to licenses," beg leave to report as follows: That we have had the same under consideration and recommend that it be concurred in.

Respectlully,

DONLAN, Chairman.

On motion of Donlan, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Substitute for House Bill numbered 172, a bill for an Act entitled, "An Act relating to certain deputy and assistant county officers, in counties of the first class," beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Cockrell, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 124, a bill for an Act entitled, "An Act to amend Section 5819, Chapter V, Title XIV, Part IV, Division III, Revised Codes of Montana, 1907, relating to loggers' liens," beg leave to report as follows: That we have had same under consideration and recommend that it be indefinitely postponed.

Respectfully

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 109, a bill for an Act entitled, "An Act to provide for the distribution to and among the various counties entitled thereto of the money derived from Forest Reserves in the State of Montana under an Act of Congress approved June 30, 1906," having had the

same under consideration, beg leave to report as follows: Respectfully recommend that the same do pass.

Respectfully

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Printing Committee.

Opinion of the Attorney General, whereby House Bill No. 191, introduced by Christler, was not concurred in by the Senate, is as follows:

Department of Attorney General,
Helena, Montana, February 18, 1909.

Hon. George McCone,
Chairman Committee on Finance and Claims,
Helena, Montana.

Dear Sir:

I am in receipt of verbal request from your committee for an opinion relative to the constitutionality of House Bill No. 191.

This bill as it now stands is in part violative of the provisions of our Constitution, and if enacted into a law in its present form would be inoperative.

Sec. 33, Art. V of St. Cons't., see also Sec. 12 of Art. XII. of Cons't.
Wolf. v. Taylor (Ala.), 13 So. 688.
Murray v. Calgan (Cal.), 29 Pac. 871.
Sullivan v. Gage (Cal.), 79 Pac. 537.
Ritchie v. People (Ill.), 46 Am. St. 315.

Very truly yours,

ALBERT J. GALEN, Attorney General.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred Senate Bill numbered 104, introduced by Romney, a bill far an Act entitled, "An Act to provide for party nominations by direct vote," beg beg leave to report that we have had the same under consideration and recommend that it be indefinitely postponed.

Respectfully,

FAIRBANKS, Chairman.

On motion of Fairbanks, seconded by McDonnell, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House Bill numbered 63, introduced by McCoy, a bill for an Act entitled, "An Act to amend Sub-division 1 of Section 1161 of the Political Code of the State of Montana, relating to proclamation of election by the Governor," beg leave to report that we have had the same under consideration and recommend that it be not concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Sanders, seconded by Fairbanks, reported adopted and bill not concurred in.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House bill No. 43, introduced by McCoy, a bill for an Act entitled, "An Act to amend Article I, Chapter XIII, Title II, Part III, of the Political Code of the State of Montana, relating to the election of the United States Senators," beg leave to report that we have had the same under consideration and recommend that it be not concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Donlan, seconded by Fairbanks, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House Bill numbered 44, introduced by McCoy, a bill for an Act entitled, "An Act to amend Section 345 of the Revised Statutes of the State of Montana of 1907, in relation to form of ballots to be used," beg leave to report that we have had the same under consideration, and recommend that it be not concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Donlan, seconded by Fairbanks, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House Joint Resolution No. 11, introduced by Harbert, beg leave to report that we have had the same under consideration and recommend that it be not concurred in, for the reason that the Senate has under consideration a bill covering the end contemplated by the resolution.

Respectfully,

FAIRBANKS, Chairman.

Donlan moved, seconded by Fairbanks, that report be adopted.

Cockrell demanded roll call.

Report adopted and resolution not concurred in by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—16.

Noes: Cardwell, Cockrell, Conrow, Daly, Haviland, Muffley, McCarthy, Romney, Truscott.—9.

Absent and not voting: Long, Metcalf.—2.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred

Senate Bill numbered 101, introduced by Sanders, a bill for an Act entitled, "An Act to provide for ascertaining the choice of electors of the State of Montana, of a candidate for Senator in Congress for Montana for each political party in said State," beg leave to report that we have had the same under consideration, and recommend that it be indefinitely postponed, for the reason that the provisions therein contained are covered by Senate Bill numbered 122, introduced by Committee on Elections and Privileges.

Respectfully,
FAIRBANKS, Chairman.

On motion of Sanders, seconded by Fairbanks, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred Senate Bill numbered 102, introduced by Committee on Elections and Privileges, a bill for an Act entitled, "An Act to provide for ascertaining the choice of electors of the State of Montana of a candidate for Senator in Congress for Montana for each political party in said State," beg leave to report that we have had the same under consideration and recommend that it be amended by striking out the word "preceding" in the first line of the fourth page of said bill and substituting therefor the word "before", and as so amended recommend that the bill do pass.

Respectfully,
FAIRBANKS, Chairman.

On motion of Fairbanks, seconded by Donlan, report adpoted and bill referred to Printing Committee.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that I am directed to request that House Bill No. 143 be returned to the House, for the purpose of correction.

Respectfully
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following notices of introduction of bills were today given:

By Christler: A bill for an Act entitled, "An Act to prescribe penalties for those living off the earnings of fallen women."

By Christler: A bill for an Act entitled, "An Act relating to the publicity of campaign funds."

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills were today introduced, read first and second times and referred:

By Clayberg, H. B. No. 370: A bill for an Act entitled, "An Act to punish persons who knowingly harbor and keep vicious dogs, and providing for compensation for injuries to persons or property."

Referred to Committee on Conservation of Resources.

By Harbert, H. B. No. 371: A bill for an Act entitled, "An Act amending Section 3214 of the Revised Codes of Montana, relating to the extension of corporate limits of cities and towns over contiguous platted tracts.

Referred to Committee on Affairs of Cities.

By Derry, H. B. No. 372: A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties, fixing his compensation, and abolishing the office of road supervisor in counties of the first class.

Referred to Committee on Highways.

By Woody, H. B. No. 373: A bill for an Act entitled, "An Act to provide for the taxation of mortgages of personal property."

Referred to Committee on Judiciary.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills numbered 222, 220, 215, 94, 91 and 77 were today read a third time and passed and are herewith transmitted to the Senate for its concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills numbers 233, 241, 96, and H. J. Resolution No. 8, have this day been read a third time and passed and are herewith transmitted for your concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate amendments to House Bills numbers 97, 42 and 40 have been concurred in by the House, also that Senate Bill No. 34 has this day been read a third time and concurred in as amended by the House and

is herewith transmitted for concurrence in House amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Everett moved, seconded by Kessler, that Senate Bill No. 34 be re-referred to Committee on Judiciary.

Muffley demanded roll call.

Motion lost by the following vote:

Ayes: Cardwell, Cowgill, Edwards, Everett, Fairbanks, Meyer, McCone, McDonnell, Rae, Selway.—10.

Noes: Annin, Cockrell, Conrow, Daly, Donlan, Haviland, Kessler, Muffley, McCarthy, Romney, Sanders, Sykes, Tooley, Truscott.—14.

Absent and not voting: Albright, Long, Metcalf.—3.

House amendments to Senate Bill No. 34, concurred in by the following vote, and referred to Engrossing Committee.

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Fairbanks, Haviland, Kessler, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Sykes, Truscott.—17.

Noes: Cowgill, Edwards, Everett, Rae, Selway, Truscott.—6.

Absent and not voting: Long, Albright, Metcalf, Meyer.—4.

By unanimous consent, Romney and Rae were granted permission to introduce bills without previous notice:

The following bills were read first and second times and referred:

By Romney, S. B. No. 124: A bill for an Act providing for the submisison to the electors of the State of Montana, an amendment to Section V, Article XVI, of the Constitution of the State of Montana, relating to the election and duties of county officers.

Referred to Committee on Education.

By Rae, S. B. No. 125: A bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grand-stand of the Montana State Fair."

Referred to Committee on Finance and Claims.

The following House Bills were read first and second times and referred:

By Berkin, H. B. No. 241: A bill for an Act entitled, "An Act to amend Section 8416 of the Revised Codes of Montana, relating to gambling and gambling devices."

On motion of Sanders, seconded by Rae, further consideration of House Bill No. 241 dispensed with.

By Frank, H. B. No. 233: A bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana, of 1907, relating to witnesses."

Referred to Judiciary Committee.

By Connelly, H. J. R. No. 8: Relating to Billings Polytechnic Institute.

Referred to Committee on Public Lands.

By Byrnes, H. B. No. 96: A bill for an Act entitled, "An Act to establish a Legislative Reference Bureau in connection with the Historical and Miscellaneous Department of the State Library and to provide for the maintenance thereof."

Referred to Committee on Libraries.

By Berkin, H. B. No. 222: A bill for an Act entitled, "An Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State Institutions, defining his duties and fixing his salary."

Referred to Judiciary Committee.

By Duncan, H. B. 220: A bill for an Act entitled, "An Act to amend Section 3772 of the Revised Codes of Montana, of 1907, relating to the adoption of children from any Orphan's Home or Asylum."

Referred to Committee on Judiciary.

By Bogart, H. B. No. 218: A bill for an Act entitled, "An Act to amend Sections 317, 318, 320, 325, 327 and 328, of the Revised Codes of Montana of 1907, making the jurisdiction of notaries public, co-extensive with the boundaries of the state and relating to the manner of certifying their official acts, and authorizing the Secretary of State and County Clerks to certify to the official character of notaries public, providing the fees therefor, and the execution and approval of their bonds."

Referred to Committee on Judiciary.

By Committee on Appropriations, H. B. No. 215: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor."

Referred to Committee on Finance and Claims.

By Pierson, H. B. No. 94: A bill for an Act entitled, "An Act to amend Section 711€, of the Revised Codes of Montana, relating to the dismissal of appeals, to the supreme court of the state."

Referred to Committee on Judiciary.

By Pierson, H. B. No. 91: A bill for an Act to provide for the payment of the actual necessary expenses of judges, of the district court when holding court in his district in any county not the county of residence of such judge.

Referred to Committee on Judiciary.

By Gray, H. B. No. 77: A bill for an Act entitled, "An Act providing for the corporal punishment of wife beaters and vagrants."

Referred to Committee on Public Morals.

On motion of Selway, seconded by Sanders, Senate Bill No. 37 recalled from the Printing Committee and re-referred to Judiciary Committee.

Committee on Railroads and Transportation reported as follows:

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred Senate Bill numbered 123, a bill for an Act entitled, "An Act regulating and governing contracts relative to the shipment of live stock, and the giving of notice of the claim for loss or damage thereto, beg leave to report as follows: That we have had the same under consideration and recommend that it do pass.

Respectfully,

EVERETT, Chairman.

On motion of Donlan, seconded by Rae, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File,

with Everett in the chair.

Committee arose.

Senate resumed.

President in the chair.

Everett, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 24, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instructs me to report and recommend that,

S. B. No. 73 do pass.

S. B. No. 58, the enacting clause be stricken out.

S. B. No. 80 do pass.

S. B. No. 108 do pass.

S. B. No. 103 do pass.

H. B. No. 161 be concurred in.

Respectfully,

EVERETT, Chairman.

Moved by McCone, seconded by Edwards, that report of the Committee of the Whole be adopted.

Donlan moved as a substitute, duly seconded, that report of the Committee of the Whole, be amended by segregating Senate Bill No. 58.

Annin moved, as an amendment to the substitute motion that Senate Bill No. 73 be segregated and made a special order for 3 o'clock tomorrow.

Amendment to substitute motion carried.

Substitute motion as offered by Donlan carried by the following vote:

Ayes: Daly, Donlan, Fairbanks, Kessler, Meyer, McCarthy, McCone, Rae, Romney, Sykes, Sanders.—11.

Noes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, McDonnell, Selway, Tooley, Truscott.—10.

Absent and not voting: Albright, Everrett, Haviland, Long, Metcalf, Muffley.—6.

Report of the Committee of the Whole adpoted as to all bills excepting 58 and 73.

Moved by Meyer, seconded by Cockrell, that report of Committee of the Whole as to Senate Bill No. 58 be adopted.

Donlan demanded roll call.

Report of the Committee of the Whole adopted and Senate Bill No. 58 indefinitely postponed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Fairbanks, Meyer, McDonnell, Selway, Sykes, Tooley, Truscott.—15.

Noes: Donlan, Kessler, McCarthy, McCone, Rae, Romney, Sanders, —7.

Absent and not voting: Everett, Haviland, Long, Metcalf, Muffley.—5.

Report of the Committee of the Whole adopted with the exception of S. B. No. 73, which was made a special order for 3 o'clock tomorrow

afternoon, and S. B. 58 indefinitely postponed, S. Bs. numbered 80, 108, and 103, referred to Engrossing Committee, H. B. No. 161, referred to calendar for third reading.

On motion rules suspended and H. B. No. 161 considered read at length, read by title only, and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Everett, Long, Metcalf, Muffley, Romney.—5.

Title agreed to.

On motion of Donlan, seconded by Sanders, Senate adjourned at 4:50 until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Third Day.

Helena, Montana, February 25. 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills 60 and 70 beg leave to report as follows: That the same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bills Nos. 60 and 70 and signed same in open session.

The President gave notice that he was about to sign House Bills numbered 107, 156, 87, 42, 97, 140, 40, 118, 115, 65, 47, and 113 and signed same in open session.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred Senate Bill numbered 121, A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, relating to salaries of deputies and classification", beg leave to report as follows: That we have had same under consideration and recom-

mend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 203, a bill for an Act entitled, "An Act to amend Sections 3318, 3321 and 3324 of the Revised Codes of Montana of 1907, relating to the formation of a Board of Park Commissioners for cities of the first class," beg leave to report as follows: That we have had same under consideration and recommend that same be not concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright seconded by Donlan, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred House Concurrent Resolution No. 6, relative to reclassification of Northern Pacific Land Grant, having had the same under consideration, respectfully report and recommend that the same be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Albright, report adopted and resolution referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 234, a bill for an Act entitled, "An Act to appropriate money to pay the per diem and mileage of witnesses called by the joint committee of the Eleventh Legislative Assembly, appointed to investigate the affairs of the State Land Office, and to pay the expenses of taking and transcribing testimony, and serving subpoenaes in said investigation," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Concurrent Resolution No. 2, offered by Committee on Education, entitled, "A concurrent resolution relating to applications by the institutions of higher education of the State of Montana for admission to the benefits

of the retiring allowance system of the Carnegie foundation for the advancement of teaching," having had the same under consideration, beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Albright, seconded by Tooley, report adopted and resolution referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Public Morals, having had under consideration House Bill No. 153, by Smith, being an Act to repeal Section 8386 of the Revised Statutes of the State of Montana of 1907, relating to the burial of bodies without certificate, beg leave to report and recommend that bill be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 34, beg leave to report as follows: That same has been correctly re-engrossed, and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by Albright, report adopted and bill referred to Enrolling Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 80, 103 and 108, beg leave to report as follows: That same have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, seconded by Albright, report adopted and bills referred to Calendar for third reading.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 34, beg leave to report as follows: That the same has been correctly enrolled.

Respectfully

RAE, Chairman.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 133, entitled, "An Act relating to the proof of corporate existence and providing for the manner of proving the

corporate character of any corporation, domestic or foreign," beg leave to report as follows: Recommend that Section 2 of said bill be amended by adding to said section the following: "Provided, however, that this Act shall not be so construed as to affect any case now pending in the courts of this State or of the United States," and that as so amended that the bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Albright, seconded by Meyer, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills 66 and 87, beg leave to report as follows: That same have been signed by the Speaker Pro Tem of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Insurance, to whom was referred House Bill numbered 148, a bill for an Act entitled, "An Act concerning the duration and renewal of life insurance corporations and the number of directors thereof," having had the same under consideration, beg leave to report as follows: Recommend that the bill be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 198, a bill for an Act entitled, "An Act to amend Section 1770 of the Revised Codes of Montana of 1907, relating to the burial of dead bodies and prescribing the duty of the attending physician in making certificate of the cause of death," having had the same under consideration, beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Tooley, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 233, a bill for an Act entitled, "An Act to amend Section 7891 of the Revised Codes of Montana, 1907, relating to witnesses," having had same under consideration, beg leave to report as follows: Recom-

mend that same be concurred in.

Respectfully

EDWARDS, Chairman.

On motion of Edwards, seconded by Selway, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 106, a bill for an Act entitled, "An Act to amend Sections 7337, 7338, 7339, 7340 and 7341 of the Revised Codes of Montana, relating to eminent domain," having had the same under consideration, beg leave to report as follows: Recommend that the bill be indefinitely postponed.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McCone, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 94, a bill for an Act entitled, "An Act to amend Section 7116 of the Revised Codes of Montana, relating to the dismissal of appeals to the Supreme Court of the State," having had the same under consideration, beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 91, a bill for an Act entitled, "An Act to provide for the payment of the actual necessary expenses of judges of the district court, when holding court in his district in any county not the county of residence of such judge," having had same under consideration, beg leave to report as follows: Recommend that same be not concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 127, a bill for an Act entitled, "An Act requiring the State Board of Commissioners of Insane and the clerk thereof of the State of Montana to make report to the district court, showing the condition of the inmates of said asylum," having had the same under consideration,

beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 218, a bill for an Act entitled, "An Act to amend Sections 317, 318, 320, 325, 327 and 328, of the Revised Codes of Montana of 1907, making the jurisdiction of notaries public co-extensive with the boundaries of the State, and relating to the manner of certifying their official acts, and authorizing the Secretary of State and County Clerks to certify to the official character of notaries public, providing the fees therefor, and the execution and approval of their bonds," having had the same under consideration, beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 220, a bill for an Act entitled, "An Act to amend Section 3772 of the Revised Codes of Montana, 1907, relating to the adoption of children from any orphans' home or asylum," having had the same under consideration, beg leave leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Steering Committee begs leave to report the following Bills for General File: Senate Bills numbered 113 and 69, and House Bill numbered 110.

Respectfully

EDWARDS, Chairman.

Report adopted and bills referred to General File for to-day.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 23, a bill for an Act entitled, "An Act to amend Section 6364, Revised Codes of Montana, 1907, relating to the empanneling of grand juries," having had the same under consideration beg leave to report

as follows: That Section 6364, be amended by striking out the words "one hundred" and inserting in lieu thereof the words "twnety-five", and as so amended recommend that the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edawrds, seconded by Albright, report adopted and bill referred to Steering Committee.

The President gave notice that he was about to sign Senate Bill No. 34 and signed same in open session.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, February 24, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following Bill and House Joint Memorial were introduced without previous notice, read first and second times and referred:

By Shoemaker, H. B. No. 381: A bill for an Act entitled, "An Act requiring railroad companies or corporation, common carriers of passengers, for hire and other transportation companies engaged in transportation of passengers, to furnish free transportation or passes to certain county officers."

Referred to Committee on Railroads and Transportation.

By Harbert, H. J. M. No. 12: Relative to the Kootenai forest reserve.

Referred to Committee on State Lands.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred:

By McCoy, H. B. No. 374: A bill for an Act entitled, "An Act to amend Sections 613, 615, and 625 of the Revised Codes of Montana, of 1907, relating to elections and voting where voting machines are used.

Referred to Committee on Privileges and Elections.

By Burke, H. B. No. 375: A bill for an Act entitled, "An Act to amend Section 2773 of the Political Code, Revised Codes of Montana, 1907, relating to classification of licenses, of telephone, telegraph, electric light, gas and water companies."

Referred to Committee on Affairs of Cities.

By Christler, H. B. N. 376: A bill for an Act to punish a man who through any means places or leaves his wife in a house of prostitution or allows her to remain therein; and to maks such wife a competent witness, and to punish a person who procures a women to enter a house for the purpose of prostitution, or accept any part of the earnings of a prostitute; and to prescribe penalties for its violation."

Referred to Committee on Affairs of Cities.

By Edgerton, H. B. No. 377: A bill for an Act entitled, "An Act

relating to public improvements in the incorporated towns and cities including the creation of special improvement districts therein, for the extension of water mains, and the supplying of water to the inhabitants of such special improvement districts."

By Committee on Appropriations, H. B. No. 378: A bill for an Act appropriating money for the payment of deficiency claims for the maintenance of the National Guard authorized by the State Board of Examiners.

Referred to Committee on Appropriations.

By Edgerton, by request, H. B. No. 379: A bill for an Act entitled, "An Act to provide for public play grounds."

Referred to Committee on Affairs of Cities.

By Committee on Education H. B. No. 180: A bill for an Act entitled, "An Act prohibiting the practice of fortune telling, clairvoyancy, palmstry and astrology, and prohibiting the publishing, distributing or circulating or causing to be published, distributed or circulated, any dodgers, circulars, pamphlets, or advertisements by, for, or on behalf of any person or persons for the purpose of advertising or holding out such person as a fortune teller, clairvoyant, palmist or astrologist."

Referred to Committee on Education.

By Werner, Substitute for H. B. No. 348: A bill for an Act entitled, "An Act to prohibit school officers and employees and other persons from asking, instructing, or ordering school pupils or other minors, to solicit funds for any purpose and providing penalties for the violation thereof."

Referred to Printing Committee.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill number 310 having been read three several times and passed is herewith transmitted to the Senate for its concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills 31, 71, 89, and 99, have been read a third time and concurred in by the House and are herewith returned.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that the following House Bills were this day read a third time and passed, title agreed to and are herewith transmitted for your concurrence: H. Bs.

21, 141, 170, 243, 256, 254.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred Senate Bill numbered 125, entitled, a bill for an Act entitled, "An Act to provide for the payment of all liens and claims against the grandstand of the Montana State Fair," beg leave to report as follows: Recommend that the bill be printed.

Respectfully,

McCONE, Chairman.

On motion of Rae, seconded by Albright, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 60 and 70 beg leave to report as follows: The same have been signed by the Speaker of the House and are now in the hands of His Excellency, the Governor.

Respectfully,

RAE, Chairman.

On motion of Truscott, duly seconded rules suspended, and Senate Bill numbered 126, considered read at length, read by title only, and referred .

By Committee on Education, S. B. No. 126: A bill for an Act entitled, "An Act to promote industrial education."

Referred to Committee on Education.

The following House bills were read first and second times and referred:

By Shoemaker, H. B. No. 310: A bill for an Act entitled, "An Act relating to trusts, monopolies, and unlawful contracts and combinations in restraint of trade, commerce and transportation facilities, and fixing the punishment for infractions of the provisions thereof."

Referred to Judiciary Committee.

By McCoy, H. B. No. 141: A bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums and appliances for the treatment of diseases, injury or deformity, and to provide for the licensing of venders of the same."

Referred to Committee on Fairs and Expositions.

By Committee on Privileges and Elections, H. B. No. 256: A bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana of 1907, relating to the division of cities and towns into wards by city and town councils."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Pierson, H. B. No. 243: A bill for an Act entitled, "An Act to provide for the assessment of live stock, creating a migratory stock fund, and providing for the collection and distribution of taxes thereon."

Referred to Committee on Stock Growing and Grazing.

By Arnett, H. B. No. 254: A bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Woody, H. B. No. 21: A bill for an Act entitled, "An Act to provide for the taxation of mortgages of real property."

Referred to Committee on Judiciary.

By Eliel, H. B. No. 170: A bill for an Act entitled, "An Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants, without a liquor dealers' license.

Referred to Committee on Counties, Towns and Municipal Corporations.

Respectfully,
CHAS. Z. POND, Chief Clerk.

Moved by Cockrell, seconded by Rae, that the vote by which Senate Bill No. 58 was indefinitely postponed by reconsidered.

Edwards moved as a substitute, seconded by Tooley, that the motion be laid on the table.

Substitute motion prevails and motion to reconsider is laid on the table.

On motion of Donlan, seconded by Meyer, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instructs me to report and recommend that:

S. B. No. 69 be amended by striking out in line 1 of the title the figures "699" and insert in lieu thereof the figures "899," and as so amended the bill do pass.

S. B. No. 113 be amended by striking out in line 77, Section 10, all of said line following the word "state" and inserting a "period" after the word "state" in said line. Also, by striking out the word "thereof" in Section 10, line 78, and as so amended the bill do pass.

H. B. No. 110 be concurred in.

S. B. No. 73 do pass.

Respectfully,
TRUSCOTT, Chairman.

On motion of Truscott seconded by Romney report adopted and S. Bs. numbered 69, 113 and 73 referred to Engrossing Committee, House Bill No. 110 referred to Calendar for third reading.

On motion, by unanimous consent, all bills on third reading were considered read at length read by title only.

S. B. No. 59 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cowgill, Donlan, Everett, Kessler, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley, Truscott.—16.

Noes: Cockrell, Conrow, Daly, Edwards, Fairbanks, Haviland, Long, Meyer, Muffley.—9.

Absent and not voting: Metcalf, Sanders.—2.

Title agreed to.

S. B. No. 103 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, McCone, McDonnell, Romney, Selway, Tooley, Truscott.—18.

Noes: Cockrell, Daly, Meyer, Muffley, McCarthy.—5.

Absent and not voting: Metcalf, Rae, Sanders, Sykes.—4.

Title agreed to.

Moved by Long, seconded by Cockrell, that vote on Senate Bill No. 103 be reconsidered.

Motion lost.

S. B. No. 108, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Long, Metcalf, Muffley, Sanders, Sykes.—5.

Title agreed to.

S. B. No. 80 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Long, Metcalf, Muffley, Sanders, Sykes.—5.

Title agreed to.

H. B. No. 110 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Tooley, Truscott.—22.

Noes: Long.—1.

Absent and not voting: Metcalf, Muffley, Sanders, Sykes.—4.

Title agreed to.

Sanders excused by request of Donlan.

Committee on Judiciary reported as follows:

Senate Chamber, Helena, Montana, February 25, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 310 a bill for an Act entitled, "An Act relating to trusts, monopolies, and unlawful contracts and combinations in restraint of trade commerce and transportation facilities, and fixing the punishment for infractions of the provisions thereof," having had the same under consideration beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Truscott report adopted and bill referred to Steering Committee.

On motion of Donlan, seconded by Selway, Senate adjourned at 4:15 P. M. until 2 o'clock P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Fourth Day.

Helena, Montana, February 26, 1909.

Senate convened at 2 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 71, 89, 99, and 31 beg leave to report as follows: That same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bills numbered 71, 89, 99, and 31 and signed same in open session.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Substitute for Senate Bill No. 45, Substitute for Senate Bill No. 107, and Senate Bills numbered 115, 116, 118, and 119, beg leave to report that the same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to Steering Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 215, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims for expense of the State Auditor, beg leave to report that we have had same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bills numbered 69, 73, and 113, beg leave to report as follows, that same have been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bills referred to calendar for third reading.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Steering Committee beg leave to report the following bills for General File: House Bills numbered 220, 234, 153, 198, 148, 94, 233, 218, and Substitute for House Bill No. 172.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Libraries, to whom was referred House Bill numbered 96, a bill for an Act entitled, "An Act to establish a legislative reference bureau in connection with the Historical and Miscellaneous Department of the State Library, beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

CONROW, Chairman.

On motion of Conrow, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Senate Bill numbered 120, a bill for an Act entitled, "An Act to amend Section 3119 of the Revised Codes of Montana, relating to the maximum number of deputy sheriffs and clerks," beg leave to report as follows, that we have had same under consideration and recommend that it do pass.

Respectfully,

DONLAN, Chairman.

On motion of Tooley, seconded by Edwards, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 6, relating to the railroad mail service, having had the same under consideration respectfully report and recommend that the same do pass.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Muffley, report adopted and Resolution referred to Printing Committee.

The President gave notice that he was about to sign H. B. Nos. 110 and 61, and signed same in open session.

Conrow and Tooley excused until Monday.

Report of Joint Committee duly appointed to visit the State Reform School at Miles City, Montana, was read and on motion of Muffley, seconded by Conrow, was adopted.

The following communications from the House were received and read.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 257, 259, 346, 158, and Substitute for House Bill No. 111, have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notice of introduction of a bill was to-day given:

By Byrnes: A bill for an Act to prevent the sale of the shares of stock of any mining corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by the corporation of which said shares of stock are sold and providing penalties for the violation thereof.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Committee on Sanitary Affairs to-day reported back Senate Bill numbered 41 with the recommendation that it be indefinitely postponed. Report adopted and Senate Bill No. 41 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred.

By Committee on Appropriations, H. B. No. 387: A bill for an Act entitled, "An Act to appropriate moneys for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana."

Referred to Committee on Appropriations.

By Mitchell, H. B. No. 380: A bill for an Act to amend Sections 749, 750, and 752 of the Penal Code of the State of Montana, relating to ring and prize fights, and premeditated contests and boxing matches.

Referred to Committee on Affairs of Cities.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 25, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times, and referred:

By Berkin, Substitute House Bill No. 288: A bill for an Act entitled, "An Act to appropriate money out of the fish and game fund for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, for the years 1909, and 1910."

Referred to Printing Committee.

By Clayberg, H. B. No. 382: A bill for an Act entitled, "An Act relating to Banks and Banking, and Trust Deposit and Security Companies, and creating a depositors guarantee fund."

Referred to Committee on Banks and Banking.

By Largey, H. B. No. 383: A bill for an Act to appropriate money to pay the expenses incurred by the Committee appointed to investigate the management of the State Fair.

Referred to Committee on Appropriations.

By Mitchelll, H. B. No. 384: A bill for an Act entitled, "An Act providing for the issuance for State Licenses for automobiles used and operated in the State of Montana, and providing penalties for the operation of automobiles without first securing such licenses."

Referred to Committee on Banks and Banking.

By Connelly and Pierson, H. B. No. 385: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons for horses slaughtered by the state and deputy state veterinary surgeons, in Custer, and Carbon Counties, Montana."

Referred to Committee on Appropriations.

By Burke, H. B. No. 386: A bill for an Act entitled, "An Act to amend Sections 3240, of Article III, Chapter III, Title III, Part IV, of the Political Code of Montana, of the Revised Codes of Montana of 1907, placing the salaries of mayor and alderman in cities of the first class."

Referred to Committee on Affairs of Cities.

By Committee on Fish and Game, H. J. R. No. 13: Relative to appointment of Mrs. Chas. B. Peyton, as deputy game warden.

Referred to Committee on Fish and Game.

Respectfully,

CHAS. Z. POND, Chief Clerk.

By unanimous consent Edwards was granted permission to introduce a bill without previous notice.

The following bill was introduced, read first and second time and referred:

By Edwards, Senate Bill No 127: A bill for an Act entitled, "An Act relating to the office of the State Treasurer, fixing the salary of the Deputy State Treasurer, and the compensation of the clerk."

Referred to Committee on Judiciary.

The following House Bills were read first and second times and referred:

By Rufus Thompson, H. B. No. 257: A bill for an Act entitled, "An Act to regulate the public service of stallions and jacks in Montana.

Referred to Committee on Stock Growing and Grazing.

By Coit, H. B. No. 259: A bill for an Act entitled, "An Act prohibiting the wearing of the uniform of the United States Army or Navy or National Guard and providing a penalty for the violation thereof."

Referred to Comimttee on Military Affairs.

By Woody, H. B. No. 346: A bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled, "An Act to authorize the State of Montana to become indebted in excess of one hundred thousand ($100-000.00) dollars, and to provide for the issuance of bonds in the name of the state for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners for the use and benefit of various state educational institutions; and also to make whole the permanent funds of various state educational institutions, approved March 1, 1907."

Referred to Committee on Judiciary.

By Pomeroy, Sub. H. B. 111: A bill for an Act entitled, "An Act to amend Section 6388, of the Revised Codes of Montana, 1907, and prohibiting persons from practicing law, or appearing as attorney in any court without a license as an attorney and counsellor, and providing punishment for the violation of the same."

Referred to Committee on Judiciary.

By Safley, H. B. No. 158: A bill for an Act entitled, "An Act to amend Sections 953, 958, and 959, of the Revised Codes of Montana, of 1907, relating to the examination and qualifications of teachers, and to the grade of teachers' certificates, and to amend Section 963 of the Revised Codes of 1907, relating to the status of graduates of the state normal college, and to repeal Section 964 of the Revised Codes, of 1907."

Referred to Committee on Education.

On motion of Donlan, seconded by Rae, Senate resolved itself into Committee of the Whole for the consideration of bills on General File with Tooley in the chair.

Committee arose.

Senate Resumed.

President in the chair.

Tooley, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee of the Whole, having under consideration the General File of Bills instruct me to report and recommend that;

H. B. No. 220 be concurred in.

H. B. No. 234 be concurred in.

H. B. No. 153 be concurred in.

H. B. No. 198 be concurred in.

H. B. No. 148 be concurred in.

H. B. No. 94 be concurred in.

H. B. No. 233 be concurred in.

H. B. No. 218 be concurred in.

Sub. H. B. No. 172 be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Kessler, report adopted, and House Bills numbered 220, 234, 153, 198, 148, 94, 233, 218, and Sub. for H. B. No. 172, referred to Calendar for third reading.

Third reading of bills.

S. B. No. 69, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Conrow, Haviland, Metcalf.—3.

Title agreed to.

S. B. No. 73 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Edwards, Everett, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Conrow, Donlan, Haviland, Metcalf, Meyer. —5.

Title agreed to.

S. B. No. 113, read a third time and passed by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Edwards, Fairbanks Kessler, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Tooley, Truscott.—15.

Noes: Cowgill, Everett, Long, Meyer, McCone, Selway, Sykes.—7.

Absent and not voting: Cardwell, Conrow, Donlan, Haviland, Metcalf.—5.

Title agreed to.

H. B. No. 220 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Edwards, Everett, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Cardwell, Conrow, Cowgill, Donlan, Haviland, Metcalf, Romney, Tooley.—18.

Title agreed to.

H. B. No. 234, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Edwards, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Cardwell, Conrow, Cowgill, Donlan, Everett, Haviland, Metcalf, Meyer, Rae.—9.

Title agreed to.

H. B. No. 153, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Kessler, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Truscott.—15.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, Romney, Sykes, Tooley.—12.

Title agreed to.

H. B. No. 198 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Everett, Fairbanks, Haviland, Metcalf, Meyer, Tooley.—9.

Title agreed to.

H. B. No. 148 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Fairbanks, Kessler, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Everett, Haviland, Long, Metcalf, Meyer, Tooley.—9.

Title agreed to.

H. B. No. 94 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway. Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Everett, Haviland, Metcalf, Meyer, Tooley.—9.

Title agreed to.

H. B. No. 233 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Conrow, Cowgill,, Donlan, Everett, Haviland, Metcalf, Meyer, Tooley.—8.

Title agreed to.

H. B. No. 218 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Edwards, Everett, Haviland, Metcalf, Meyer, Tooley.—9.

Title agreed to.

Sub for H. B. No. 172 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Edwards, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Conrow, Cowgill, Donlan, Everett, Haviland, Metcalf, Meyer.—7.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 71, 99, 89, 31, and 34 beg leave to report as follows: Same have been signed by the speaker of the House and are now in the hands of His Excellency, the Governor.

Respectfully,

RAE, Chairman.

On motion of Kessler, seconded by Albright, Mr. Hancock was employed as janitor for the remaining week of the Session to take the place of Mr. Simpson.

On motion of Albright, seconded by Kessler, Senate adjourned at 3:50 until 10:30 A. M. tomorrow.

W. R. ALLEN, President

NATHAN GODFREY, Secretary.

Fifty-Fifth Day.

Helena, Montana, February 27, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Senate Bill numbered 127, a bill for an Act entitled, "An Act relating to the office of the State Treasurer, fixing the salary of the Deputy State Treasurer, and compensation of the clerk," having had the same under consideration recommend that the same do pass.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Fairbanks, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bills numbered 109, 121, 125, 122, 123, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

On motion of Sanders, report adopted and bills referred to Steering Committee.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Steering Committee beg leave to report the following bills for general File Sub. S. B. No. 107, Senate Bills Nos. 118, 119, House Concurrent Resolution No. 2, and House Bills Nos. 215, 310, 160, and 38.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Public Morals having had under consideration House Bill No. 77, being an Act providing for the corporal punishment of woman beaters and vagrants, beg leave to report with the recommendation that the said bill be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by Donlan, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Labor and Capital, to whom was referred House Bill numbered 201 a bill for an Act entitled, "An Act to regulate the hours of labor of telephone operators in cities or towns having a population of two thousand or over," beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

LONG, Chairman.

On motion of Donlan, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 26, 1909.

Mr. President:

Your Committee on Labor and Capital to whom was referred House Bill numbered 136, a bill for an Act entitled, "An Act providing for the temporary floors and safe scaffolding in buildings during the erection thereof, for the protection of persons working thereon," beg leave to report as follows: That we have had same under consideration, and recommend that it be concurred in.

Respectfully,

LONG, Chairman.

On motion of Long, seconded by Sanders, report adopted and bill referred to Steering Committee.

House of Representatives, Helena, Montana, February 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following notice of introduction of a bill was to-day given:

By Harbert: A bill for an Act prohibiting the selling, bartering, trading or giving away of intoxicating liquors, and providing for the submitting of said law to the qualified electors of the state for approval.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 61, 100, 223, and 280, have been read three several times and passed, title agreed to and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to request that House Bill No. 158 be recalled for the purpose of further amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Rae, seconded by Donlan, House Bill No. 158 was

recalled from Committee on Education and returned to the House for amendments as requested.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred.

By Byrnes, H. B. No. 389: A bill for an Act to prevent the sale of the shares of stock of any mining corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by the corporation of which said shares of stock are sold, and providing penalties for a violation thereof.

Referred to Committee on Mines and Mining.

By Committee on Appropriations, H. B. No. 390: A bill for an Act appropriating money to defray the expenses of a joint committee appointed to investigate the state prison at Deer Lodge.

Referred to Appropriation Committee.

By Kilgallon, H. B. No. 391: A bill for an Act appropriating money for the payment of the deficiency claim for salary of the members of the supreme court and district judges of the state for the quarter ending February 8, 1909.

Referred to Committee on Appropriations.

By Christler, H. B. No. 392: A bill for an Act to provide for the making, filing and publishing of a statement of campaign funds.

Referred to Committee on Privileges and Elections.

By Committee on State Lands, Sub. H. B. No. 29: A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the state is entitled, under the land grants embraced within the United States Forest Reservations, and to make lieu selections in place thereof, of Agricultural and Grazing lands."

Referred to Printing Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill numbered 62 was to-day reported back from the Committee on Mines and Mining with the recommendation that it be not concurred in.

Report adopted and Senate Bill No. 62 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills numbered 67 and 30 have this day been read a third time and concurred in as amended by the House and are herewith trans-

mitted for concurrence in House Amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House Amendments to Senate Bill No. 67 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Meyer, McCarthy, Rae, Romney, Sanders, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Conrow, Everett, Metcalf, Muffley, McCone, McDonnell, Selway, Tooley.—8.

Bill referred to Engrossing Committee.

House amendment to Senate Bill No. 30 concurred in by the following vote:

Annin, Cardwell, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Meyer, McCarthy, Rae, Romney, Sanders, Sykes, Truscott.—17.

Noes: None.

Absent and not voting: Albright, Conrow, Cowgill, Everett, Metcalf, Muffley, McCone, McDonnell, Selway, Tooley.—10.

Bill referred to Engrossing Committee.

By unanimous consent, McCarthy and Donlan were granted permission to introduce bills without previous notice.

On motion of Truscott, seconded by Fairbanks, rules suspended and bills read by title only considered read at length.

By Lowney, H. B. No. 223: A bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana, 1907, relating to judges and clerks of election, voting precincts and election precincts in cities and towns."

Referred to Committee on Elections and Privileges.

By Byrnes, H. B. No. 280: A bill for an Act entitled, "An Act to prevent and punish fraud in the sale of giant and blasting powder."

Referred to Committee on Public Morals.

By Safley, H. B. No. 100: A bill for an Act entitled, "An Act relating to the qualifications of teachers and registration of certificates and to amend Section 901 Revised Codes of Montana, of 1907, relating to certificates of qualifications of teachers, and to amend Section 908 Revised Codes of Montana, 1907, relating to qualification of teachers."

Referred to Committee on Education.

By Edgerton, H. B. No. 61: A bill for an Act entitled, "An Act to abolish the Carey Land Act Board, and provided that the State Board of Land Commissioners shall perform the duties heretofore performed by the said Carey Land Act Board, and defining their duties and the duties of the State Engineer in connection with said Board.

Referred to Committee on Irrigation and Water Rights.

The following bills were this day introduced read first and second times and referred.

By Donlan, by request, S. B. No. 128: A bill for an Act entitled, "An Act to amend Section 1, of an Act relating to the granting of

franchises by cities and towns and providing a submission of the question of granting any franchises to the resident freeholders whose name shall appear on the city or county tax roll, preceding such election," etc.

Referred to Committee on Counties, Towns and Municipal Corporations.

By McCarthy, S. B. No. 129: A bill for an Act entitled, "An Act to establish, locate and construct a state road and to employ convicts in the construction and maintenance thereof."

Referred to Committee on Roads, Highways and Bridges.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Fairs and Expositions, to whom was referred House Bill numbered 141, a bill for an Act entitled, "An Act to regulate the itinerant vending of medicines, nostrums, and appliances for the treatment of diseases, injury or deformity and to provide for the licensing of venders of the same", beg leave to report as follows, that same be concurred in.

Respectfully,

HAVILAND, Chairman.

On motion of Donlan, seconded by Rae, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Education, having had under consideration Senate Bill numbered 126, introduced by Committee on Education, having had the same under consideration, recommend that the same do pass.

Respectlully,

SELWAY, Chairman.

On motion of Donlan, seconded by Selway, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Stock Growing and Grazing, to whom was referred House Bill No. 243, introduced by Pierson, entitled, "An Act to provide for the assessment of Live Stock, creating a migratory stock fund, and providing for collection and distribution of taxes thereon", having had the same under consideration, recommend that it be indefinitely postponed.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by Donlan, report adopted and Bill not concurred in.

Senate Chamber, Helena, Montana, February 27, 1909

Mr. President:

Your Steering Committee begs leave to report the following bill for General File: House Bill No. 127.

Respectfully,

EDWARDS, Chairman.

Report adopted and House Bill No. 127, referred to General File.

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your committee on Stockgrowing and Grazing having had under consideration House Bill numbered 257 by Thompson, an Act to regulate the public service of stallions and jacks," beg leave to offer the following amendments:

Amend in Section 4, after the words "public use" the words "or held for sale or public use"; also amend Section 4, by striking out the word "service" after the words "Except stallions or jacks in"; also in Section 5, by striking out after the words "stallions or jacks in" the word "service, and inserting in lieu thereof the words "the State", also, in Section 15, by adding after the words "for public use" the words "where in all more than five mares are served in one season". And as amended, recommend that same be concurred in.

SELWAY, Chairman.

On motion of McCone, seconded by Selway, report adopted and Bill referred to Steering Committee.

Edwards made the following motion:

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

I hereby move a suspension of rules for remainder of Session, enabling Steering Committee to place bills on General File at any time during the day.

Respectfully,

EDWARDS.

Motion seconded by Cockrell, and Resolution adopted.

On motion of Donlan, seconded by Truscott, Senate resolved itself into Committee of the Whole for the consideration of bills on General File, with Romney in the chair.

Committee arose.

Senate resumed.

President in the chair.

Romney, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 118 do pass.

S. B. No. 119 do pass.

Sub. for S. B. No. 107 do pass.

H. B. No. 215 be concurred in.

H. B. No. 310, be amended in Section 1, line 5, by inserting after the word "commerce" the following: "Articles of Commerce, as herein employed shall and does include not only those articles which are generally popularly and legally known as 'Articles of Commerce', but also gas, water, water power, electric light and electric power for whatever purpose used or employed", and that as so amended the bill be conurred in.

S. B. No. 160, amend Section 5 by inserting at the end of the section the following, "provided, however that nothing in this Act shall be construed as repealing any of the provisions of House Bill No. 310, passed by the Eleventh Legislative Assembly known as the Anti-trust bill," and that as amended the bill be concurred in.

H. B. No. 38 be concurred in.

Respectfully,

ROMNEY, Chairman.

McCarthy moved, seconded by Donlan, that the report of Committee of the Whole be adopted.

Meyer moved as a substitute, seconded by Everett, that House Bill No. 160 be segregated from the report of the Committee of the Whole.

Substitute motion lost by the following vote:

Ayes: Cardwell, Cowgill, Everett, Meyes, McCone, McDonnell, Romney, Sykes.—8.

Noes: Albright, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, McCarthy, Muffley, Rae, Sanders, Truscott.—14.

Paired: Annin, Selway, and Tooley and Conrow.

Absent and not voting: Annin, Conrow, Metcalf, Selw, Tooley.—5.

Report of Committee of the Whole adopted and Senate Bills numbered 119, 118, Sub. for 107 referred to Committee on Engrossed Bills, and House Bills numbered 215, 310, 160 and 38 referred to Calendar for third reading.

On motion of Donlan, seconded by Albright, Senate Bills numbered 119, 118 and Sub. for 107 were considered engrossed and placed on Calendar for third reading today.

S. B. No. 119 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Truscott.—21.

Noes: None.

Absent and not voting: Cardwell, Conrow, Metcalf, McCone, Selway, Tooley.—6.

Title agreed to.

S. B. No. 118 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, McCone, McDonnell, Rae, Romney, Sanders, Sykes.—20.

Noes: Muffley, Truscott.—2.

Absent and not voting: Conrow, Metcalf, Selway, Tooley, McCarthy —5.

Title agreed to.

Sub. S. B. No. 107 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Truscott.—22.

Noes: None.

Absent and not voting: Conrow, Metcalf, Romney, Selway, Tooley.—5.

Title agreed to.

H. B. No. 215 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Truscott.—23.

Noes: None.

Absent and not voting: Conrow, Metcalf, Selway, Tooley.—4.

Title agreed to.

H. B. No. 310 concurred in as amended by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Truscott.—23.

Noes: None.

Absent and not voting: Conrow, Metcalf, Selway, Tooley.—4.

Title agreed to.

Moved by Edwards, seconded by Meyer, that House Bill No. 160 be taken from Calendar for third reading, and re-referred to General File.

Long moved as a substitute that previous motion be laid on the table.

Substitute motion carried.

H. B. No. 160 read a third time and concurred in by the following vote:

Ayes: Albright, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Muffley, McCarthy, Rae, Sanders, Truscott.—14.

Noes: Cardwell, Cowgill, Everett, Meyer, McCone, McDonnell, Romney, Sykes.—8.

Paired: Annin, Conrow, Selway, Tooley.—4.

Absent and not voting: Metcalf.—1.

Title agreed to.

H. B. No. 38 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Truscott.—21.

Noes: Haviland.—1.

Absent and not voting: Conrow, Metcalf, Selway, Tooley, Meyer.—5.

Title agreed to.

Committee on Engrossed Bills reported as follows:

Senate Chamber, Helena, Montana, February 27, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 67, beg leave to report as follows: That same has been correctly re-engrossed and is herewith returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bill referred

to Enrolling Committee.

On motion of Cowgill, seconded by Albright, House Bill No. 61 was taken from Committee on Irrigation and Water Rights and re-referred to Committee on Public Lands.

The following communication from His Excellency the Governor, was received and read:

Executive Office, Helena, Montana, February 27, 1909.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have approved and deposited with the Secreatry of State the following Senate Bills:

No. 87: An Act to provide for teaching in the public schools the modes by which the dangerous communicable diseases are spread, and the method for the restriction and prevention of such diseases.

No. 60: An Act to amend Sections 1025, 1028 and 1029 of the Revised Codes of Montana of 1907, relative to the designation of Pioneer Day, filing of essays, and course of exercises.

No. 70: An Act to amend Section 904 of the Revised Codes of Montana of 1907, relating to the construction of teachers' contracts, with respect to legal holidays.

No. 89: An Act to amend Sections 1661 and 1664 of the Revised Codes of Montana of 1907, relating to the appointment, duties and salaries of the Secretary and Deputies of the Bureau of Child and Animal Protection.

EDWIN L. NORRIS, Governor.

The following communication from the House received and read:

House of Representatives, Helena, Montana, February 26, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the Speaker has today appointed Messrs. Frank, Pierson and Harbert to confer with the committee appointed by the Senate to consider Senate Bill No. 36.

Respectfully,
CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Albright, Senate adjourned at 2:30 P. M. until 1:30 P. M. Monday.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Seventh Day.

Helena, Montana, March 1, 1909.

Senate convened at 1:30 P. M.
President in the chair.
Roll called. Quorum present.
Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 67, beg leave to report as follows: Same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 67, and signed same in open session.

On motion of Sanders, seconded by Tooley, the resignation, as doorkeeper of the Senate, of G. B. Macrae was accepted and J. A. Riskim was transferred from the Printing Committee to act as doorkeeper for the remainder of the session.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: Senate Bills numbered 123, 122, 125, 121 and 109, House Bills numbered 257, 141 and 136.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Joint Resolution No. 6 and Senate Bill No. 120, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Public Morals, having had under consideration House Bill numbered 280, by Byrnes, being an Act to prevent and punish fraud in the sale of giant or blasting powder, beg leave to report with the recommendation that said bill be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by McCarthy, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Public Buildings, to whom was referred House Bill numbered 71, being a bill for an Act entitled, "An Act regulating the hours of labor in all State institutions," report having had the same

under consideration, and recommend that the same be concurred in.

Respectfully,

METCALF, Chairman.

On motion of Metcalf, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 254, a bill for an Act entitled, "An Act to amend Section 3208 of the Revised Codes of Montana of 1907, relating to the organization of cities and towns," beg leave to report that we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 256, a bill for an Act entitled, "An Act to amend Section 3223 of the Revised Codes of the State of Montana of 1907, relating to the division of cities and towns into wards by city or town councils," beg leave to report as follows: That we have had same under consideration, and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 67, beg leave to report as follows: That same has been signed by the Speaker of the House and is now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 156, a bill for an Act entitled, "An Act providing that a city or town council may contract indebtedness on behalf of such city or town by borrowing money or issuing bonds for the purpose of purchasing and improving lands for public city or town parks and grounds," beg leave to report as follows: That we have had

same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 170, a bill for an Act entitled, "An Act to prohibit the selling or dispensing of liquors in clubs, societies and associations in towns and places of less than three hundred inhabitants, without a liquor dealer's license," beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Steering Committee begs to report Senate Resolution No. 6 for General File.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House Bill No. 223, introduced by Lowney, a bill for an Act entitled, "An Act to amend Section 3232 of the Revised Codes of Montana of 1907, relating to judges and clerks of election, voting precincts and election precincts within cities and towns," having had same under consideration, recommend that same be concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Fairbanks, seconded by Sanders, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Roads, Highways and Bridges, to whom was referred Senate Bill numbered 129, a bill for an Act entitled, "An Act to establish, locate and construct a State road, and to employ convicts in the construction and maintenance thereof," beg leave to report as follows: That we have had same under consideration and recommend that it be printed.

Respectfully,

SYKES, Chairman.

On motion of Sykes, seconded by Donlan, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Military Affairs, to whom was referred House Bill numbered 259, a bill for an Act entitled, "An Act prohibiting the wearing of the uniform of the United States army or navy or National Guard, and providing a penalty for the violation thereof," having had same under consideration, beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

COCKRELL, Chairman.

On motion of Donlan, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 30, beg leave to report as follows: That same has been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

On motion of Kessler, duly seconded, report adopted and bill referred to Enrolling Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 222, a bill for an Act entitled, "An Act to provide for the appointment by the State Board of Examiners of a State Accountant to examine the books and financial affairs of State institutions, denfiing his duties and fixing his salary," recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of McCone, seconded by Everett, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Substitute for House Bill numbered 111, a bill for an Act entitled, "An Act to amend Section 6388 of the Revised Codes of Montana, 1907, and prohibiting persons from practicing law or appearing as attorney in any court without a license as attorney and counsellor, and providing punishment for the violation of the same," having had the same under consideration, beg leave to report as follows: Recommend that the bill be amended by inserting at the close of Section 1, the following: "provided that except that in counties of the first class any person may practice law in the justice court or police court without first having received a license as an attorney and counselor, and that as so amended the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of McCone, seconded by Everett, report adopted and bill referred to Steering Committee.

The following communication from His Excellency the Governor, was received and read.

Executive Office, Helena, Montana.

February 27, 1909.

The President of the Senate,
Senate Chamber,
Helena, Montana,

I return herewith Senate Bill No. 99, "An Act to amend Section 2047 of the Revised Codes of Montana, 1907, relating to Local Option," without my approval, and with my objections thereto.

This Bill amends Section 2047 by adding thereto the following provision, "Provided, however, that this section shall not apply to an incorporated city or town unless a majority of the votes cast in such city or town is 'Sale of Intoxicating Liquor, No.' "

The effect of the added provision is to separate any county into county and city or town districts. As to that provision I do not desire here to make objection, the added provision, however, has a further effect, in that when the question of prohibiting the sale of intoxicating liquors is submitted, all the voters of both the country districts and the cities or towns within the county, may vote. If the majority of the total vote is in favor of prohibiting the sale of intoxicating liquors, the county districts are bound by the vote, if however, the majority of the votes in any incorporated city or town of the county is against prohibiting the sale of intoxicating liquors, then such county or town so voting is not bound by the general vote.

In other words, the voters of the city or town may say what the country districts may or may not do, but the voters of the country districts may not determine what the city or town may or may not do."

If any city or town is not to be bound by the result of the general vote, then the vote of the city or town, if not in accord with the majority of such general vote, should not be used to affect the result of the vote in the country districts. Under the workings of this bill we should have an anomalous situation wherein the voters of the cities and towns, would have conferred upon them greater powers than were given to the voter of the country districts.

If this measure had gone further and provided that, in case a majority of the votes in any city or town was against prohibiting the sale of liquor the vote of such city or town should not be taken into account in the general result, then the bill would at least be fair and in accord with the spirit of the majority rule, which has long prevailed.

I am calling your attention to the objectionable feature of the bill as seasonable as circumstances have permitted.

EDWIN. L NORRIS, Governor.

The Governor's Veto was sustained by the following vote:

Ayes: Albright, Annin, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—22.

Noes: Cockrell, Long, Tooley.—3.

Absent and not voting: Cardwell, Kessler.—2.

The following communications from the House were received and read:

House of Representatives, February 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following House bills were read three several times title agreed to and are herewith transmitted for your concurrence: House Bills Nos. 231, 45, 83, 228, and 281, Substitute for House Bills Nos. 210, 171, 209, 237 and 52.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills Nos. 103 and 108, have this day been reported from Judiciary Committee with the recommendation that they be not concurred in. Report adopted and Senate Bills Nos. 103 and 108 are herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills Nos. 253 and 356 have been read three several times and passed, title agreed to and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, February 27, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following House Bills were to-day introduced, read first and second times and referred:

By Committee on Appropriations, H. B. No. 393: A bill for an Act entitled, "An Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Orphans' Home at Twin Bridgs, Montana.

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 394: A bill for an Act entitled, "An Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Reform School at Miles City, Montana.

Referred to Appropriation Committee.

By Kilgallon, H. B. No. 395: A bill for an Act appropriating money for the payment of deficiency claim for salary of the State Superintendent of Public Instruction of the State, for the quarter ending February 28, 1909.

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 396: A bill for an Act entitled, "An Act to appropriate the sum of eight hundred dollars to pay C. S. Haire, for services as Architect on the Reform School Building.

Referred to Appropriation Committee.

By Committee on Appropriations, H. B. No. 397: A bill for an Act entitled, "An Act appropriating money for the payment of the claim of certain persons for the expenses incurred, transporting prisoners to the penitentiary during the years 1908, and 1909."

Referred to Committee on Appropriations.

By Harbert, H. B. No. 398: A bill for an Act prohibiting the selling, bartering, trading or giving away of intoxicating liquors and providing for the submitting of the said law to the qualified electors of the state for approval.

Referred to Committee on Privileges and Elections.

By Committee on State Institutions, H. B. No. 399: A bill for an Act entitled, "An Act authorizing the appointment by the Governor of a commission to investigate the conditions, financial and educational, of the various state educational institutions and others named therein, and to report to the Twelfth Legislative Assembly the result of their investigation, and to recommend to the Twelfth Legislative Assembly, the enactment of such laws as will facilitate the proper financial and educational management of said institutions, providing for the compensation of said board and carrying an appropriation to cover the same."

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 1st, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills numbered 56, 86, 52, 75, 51, 50 and 49, have been read three several times and concurred in and returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bill referred to Enrolling Committee.

Cowgill was granted permission to introduce a bill without previous notice.

On motion of Selway, seconded by McCarthy, the vote by which committee report was adopted, recommending indefinite postponement of House Bill No. 243, was reconsidered and House Bill No. 243 recalled from the House and re-referred to Committee on Stock Growing and Grazing.

The following bill was introduced, read first and second time and referred:

By Joint Committee for Investigation of Sales of State Land, S. B. No. 130: A bill for an Act entitled, "An Act to approve, confirm, and ratify sales of state lands heretofore made."

Referred to Committee on Public Lands.

The following House Bills were read first and second times and referred:

By Hunter, H. B. No. 231: A bill for an Act entitled, "An Act

enlarging the duties of the Board of County Commissioners by constituting them a Board of Appraisers of Real Estate and requiring them to devote their entire time in the performance of the duties of their office, and repealing Sections 2886, 2891, 2892, and 2893, of the Revised Codes in conflict herewith, and amending Sections 2894, of the Revised Codes and fixing compensation of the members of the Board of County Commissioners, hereafter to be elected.

Referred to Judiciary Committee.

By Clayberg, H. B. No. 45: A bill for an Act entitled, "An Act to authorize the compromise of outstanding disputed evidences of indebtedness of cities and towns issued for municipal purposes, and now held or owned by bona fide holders thereof, for value, and the issuance of funding bonds therefor."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Pierson, H. B. No. 83: A bill for an Act entitled, "An Act to amend Sections 1889, 1890, and 1891, of 1907, Revised Codes of Montana, relating to the powers of the State Live Stock Sanitary Board, authorizing the slaughtering of diseased animals or animals exposed to disease and providing appraisal and compensation therefor; and repealing Sections 1841, 1842, 1847, 1848, 1850, 1851, and 1853 of the 1907 Revised Codes of Montana."

Referred to Committee on Stockgrowing and Grazing.

By Duncan, H. B. No. 228: A bill for an Act to conform the organization and discipline of the organized militia of the State of Montana to the requirements of the Act of Congress entitled, "An Act to promote the efficiency of the militia and other purposes, approved January 21, 1903, and in pursuance thereof to amend Sections 1045, 1051, 1053, 1055, 1056, 1062, 1074, 1982 and 1100 of the Revised Codes of Montana, 1907, relating to the militia and National Guard of Montana."

Referred to Committee on Military Affairs.

By Byrnes, H. B. No. 281: A bill for an Act entitled, "An Act to insure accuracy in the sampling of ores."

Referred to Committee on Public Morals.

By Norton, Sub. for H. B. No. 210: A bill for an Act entitled, "An Act concerning tree planting and Arbor Day and to amend Section 1022 of the Revised Codes of Montana of 1907."

Referred to Committee on Education.

By Eliel, H. B. No. 171: A bill for an Act entitled, "An Act to amend Sections 2742 and 2743 of the Revised Codes of Montana of 1907, relating to the payment of taxes under protest and fixing the time in which suit may be commenced for the recovery of the same."

Referred to Judiciary Committee.

By Committee on Railroads and Transportation, Sub. for House Bill No. 209: A bill for an Act entitled, "An Act to require railway corporations, operators, agents or persons in charge of railroads, telegraph or telephone stations, to report delayed trains, prescribing the method thereof, and providing penalties."

Referred to Committee on Railroads and Transportation.

By Committee on Sanitary Affairs, Sub. for House Bill No. 237: A bill for an Act entitled, "An Act to restrict the sale of the alkaloid cocaine or its salts, alpha or beta eucaine or their salts, providing penalty for the violation thereof, repealing acts and parts of acts in conflict herewith."

Referred to Committee on Fairs and Expositions.

By Committee on Live Stock and Public Ranges, Sub. for H. B. No. 52: A bill for an Act entitled, "An Act providing penalties for the taking up, using, or disposing of horses, mules or asses, contrary to law."

Referred to Committee on Live Stock and Grazing.

By Berkin, H. B. No. 356: A bill for an Act entitled, "An Act to amend an Act entitled, 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the results of any contest of speed or skill or endurance, of animal or beast, within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same,' which act was approved on February 16, 1909, and prohibiting the making or reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be made, recorded, reported or registered, and providing penalty for the breach of the same."

Referred to Committee on Counties, Towns and Municipal Corporations.

By MacGinniss, H. B. No. 253: A bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of school physicians."

Referred to Committee on Judiciary.

Long moved, seconded by McCarthy, that vote by which the report of Committee on Counties, Towns and Municipal Corporations, indefinitely postponing House Bill No. 124, be reconsidered.

Vote reconsidered and House requested to return House Bill No. 124.

On motion of Long, seconded by Romney, House Bill No. 124 referred to Steering Committee.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 92 was reported back from the Printing Committee with recommendation that same be not concurred in.

Report adopted and Senate Bill No. 92 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred Senate Bill numbered 130, entitled, "An Act to confirm and ratify sales of State lands heretofore made," having had same under consideration, beg leave to report as follows: Recommend that same do pass.

Respectfully,

COWGILL, Chairman.

On motion of Tooley, seconded by Cockrell, report adopted and bill referred to Printing Committee.

bill referred to Steering Committee.

Mr. President:

Your Steering Committee begs leave to report Senate Substitute for House Resolution No. 6 for General File.

Respectfully,

EDWARDS, Chairman.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 24 has been read three several times and concurred in as amended by the House and is herewith transmitted for your concurrence in House amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Donlan moved, seconded by McCarthy, that House amendments to Senate Bill No. 24 be not concurred in, and the President appointed a conference committee consisting of Donlan, McCone and Romney.

On motion of Donlan, seconded by Everett, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with Rae in the chair.

Committee arose.

Senate resumed.

President in the chair.

Rae, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instructs me to report and recommend that:

S. B. No. 123 do pass.

S. B. No. 122 do pass.

S. B. No. 125 do pass.

S. B. No. 121 do pass.

S. B. No. 109 do pass.

Senate Joint Resolution No. 6 do pass.

H. B. No. 257 be concurred in.

H. B. No. 141, the enacting clause be stricken out.

Sub. for H. B. No. 136 be amended in Section 2 by inserting in line 7 of the printed bill between the words "the" and "supervision" the words "direct and immediate;" also amend Section 4 by inserting in line 28 of the printed bill between the words "the" and "control" the words "direct and immediate," and as so amended it be concurred in.

Senate Sub. for House Concurrent Resolution No. 6 do pass.

H. C. R. No. 2 be concurred in.

H. B. No. 127 be concurred in.

Respectfully,

RAE, Chairman.

On motion of Rae, seconded by Sanders, report adopted, and Senate Bills numbered 123, 122, 125, 121, 109, S. J. R. No. 6, Senate Sub. for H. C. R. No. 6 referred to Engrossing Committee, House Bills numbered 257, 141, Sub. for H. B. No. 136, and H. C. R. No. 2, H. B. No. 127 referred to Calendar for third reading.

On motion of Everett, seconded by McDonnell, Senate Bills Nos. 122 and 123 be considered engrossed and placed on Calendar for third reading.

Tooley moved as a substitute, seconded by Everett, that Senate Bills numbered 125, 109, 121, S. J. R. No. 6 and Senate Sub. for H. C. R. No. 6 be considered engrossed and placed on Calendar for third reading.

Third reading of bills.

H. B. No. 257 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Cockrell, Donlan, Kessler, Muffley, McCone, Romney.—6.

Title agreed to.

H. C. R. No. 2 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McDonnell, Rae, Sanders, Selway, Tooley.—18.

Noes: Long, Sykes, Truscott.—3.

Absent and not voting: Cockrell, Donlan, Kessler, Muffley, McCone, Romney.—6.

Title agreed to.

H. B. No. 127 concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McDonnell, Rae, Sanders, Selway, Sykes, Truscott.—20.

Noes: Albright.—1.

Absent and not voting: Donlan, Kessler, McCone, Romney, Tooley, Muffley.—6.

Title agreed to.

Sub. for H. B. No. 136 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—22.

Noes: Truscott.—1.

Absent and not voting: Donlan, Kessler, Muffley, Romney.—4.

Title agreed to.

Senate Sub. for H. C. R. No. 6 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—22

Noes: None.

Absent and not voting: Donlan, Edwards, Kessler, Muffley, Romney.—5.

Title agreed to.

S. B. No. 109 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: Conrow.—1.

Absent and not voting: Donlan, Edwards, Kessler, Muffley, Romney.—5.

Title agreed to.

S. B. No. 121 read third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Everett, Fairbanks, Haviland, Meyer, McCarthy, McCone, McDonnell, Rae, Truscott.—15.

Noes: Metcalf, Sanders, Selway, Sykes, Tooley.—5.

Absent and not voting: Daly, Donlan, Edwards, Kessler, Long, Muffley, Romney.—7.

Title agreed to.

S. B. No. 125 read a third time and passed by the following vote:

Ayes: Cardwell, Cockrell, Conrow, Everett, Haviland, Kessler, Long, Meyer, McCarthy, McCone, Rae, Tooley.—12.

Noes: Annin, Cowgill, Fairbanks, Metcalf, McDonnell, Sanders, Selway, Sykes, Truscott.—9.

Absent and not voting: Albright, Daly, Donlan, Edwards, Muffley, Romney.—6.

Title agreed to.

On motion of Everett, seconded by Tooley, a call of the Senate was made, the following Senators being present:

Albright, Annin, Cardwell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—23.

On motion of Tooley, seconded by Everett, further proceedings under call of the Senate dispensed with.

S. B. No. 122 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cowgill, Daly, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—17.

Noes: Cardwell, Conrow, Haviland, Long, Muffley, McCarthy, Truscott.—7.

Absent and not voting: Cockrell, Donlan, Romney.—3.

Title agreed to.

S. J. R. No. 6 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—22.

Noes: None.

Absent and not voting: Donlan, Fairbanks, McCarthy, Romney, Truscott.—5.

Title agreed to.

S. B. No. 123 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Donlan, Cockrell, Muffley, Romney.—4.

Title agreed to.

Rae moved, seconded by Selway, that all clerks and stenographers of the Senate be required to assist in the enrollment of bills whenever necessary.

Motion carried.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 243 is herewith returned to the Senate as requested.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Albright, seconded by Edwards, Senate adjourned at 3:50 P. M. until 10:30 tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Eighth Day.

Helena, Montana, March 2, 1909.

Senate convened at 10:30 A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Journal read and approved.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 50 and 75, beg leave to report as follows, that same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 49 and 86 beg leave to report as follows: That same have been correctly enrolled.

Reports adopted and President gave notice he was about to sign Senate Bills numbered 50, 75, 49, and 86, and signed same in open session.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill No. 100 introduced by Safley, a bill for an Act entitled, "An Act relating to the qualification of teachers, and registration of certificates and to amend Section 901 of the Revised Codes of Montana, of 1907, relating to certificates of qualification of teachers and to amend Section 908, Revised Codes of Montana, 1907, relating to the qualification of teachers, beg leave to report as follows: Having had same under consideration recommend that same be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by McDonnell, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 356, introduced by Berkin, being a bill for an Act entitled, "An Act to amend an Act entitled 'An Act to prohibit the reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated, and to limit the number of days when such bets or wagers may be recorded, reported or registered, and providing penalties for the breach of the same' which Act was approved on February 16, 1909, and prohibiting the making or

reporting or recording or registering of any bet or wager upon the result of any contest of speed or skill or endurance of animal or beast within certain limitations therein stated and to limit the number of days when such bets or wagers may be made, recorded, reported or registered and providing penalties for the breach of the same," beg leave to report with the recommendation that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Tooley, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on Public Morals, to whom was referred House Bill numbered 281, introduced by Byrnes, being an Act to insure accuracy in the sampling of ores, beg leave to report, with the recommendation that it be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by McCarthy, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: Senate Bill numbered 120. House Bills numbered 254, 222, 166, 259, 223, 170, 201, and 96.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File for to-day.

Report of Committee on State Penitentiary Investigation.

Donlan moved, seconded by Selway, that report of Committee on State Penitentiary Investigation be adopted and Committee discharged.

Meyer moved as an amendment, seconded by Cockrell, that report be received and committee discharged.

Amendment motion carried.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 30, begs leave to report as follows, that same has been correctly enrolled.

Respectfully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Bill numbered 30, and signed same in open session.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill numbered 68 has this day been reported back from the Com-

mittee on Corporations other than Municipal, with recommendation that it be not concurred in.

Report adopted and Senate Bill No. 68 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day introduced, read first and second times and referred:

By Committee on Appropriations, Sub. for House Bill No. 10: A bill for an Act entitled, "An Act appropriating money for the erection, furnishing and equipment of a Hospital at the Montana State School for the Deaf, Blind and Feeble Minded, at Boulder, Montana."

Referred to Printing Committee.

By Committee on Appropriations, Substitute for House Bill numbered 246: A bill for an Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.

Referred to Printing Committee.

By Committee on Appropriations, H. B. No. 400: A bill for an Act entitled, "An Act making appropriations for the State institutions of Montana for the period ending February 28, 1910, and February 28, 1911."

Referred to Committee on Appropriations.

By Committee on Appropriations, H. B No. 401: A bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claims for public printing for the year ending February 28, 1909."

Referred to Appropriation Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Speaker to-day appointed Messrs, Christler, Pierson and Derry to confer with a like committee from the Senate on Senate Bill numbered 24.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 1, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Substitute for House Bill numbered 251, and Substitute for House Bill numbered 214, and House Bill No. 165 have been read three several times and passed and herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following House Bills were read first and second times and referred:

By Berkin, Sub. for H. B. No. 251: A bill for an Act entitled, "An Act to repeal Section 1971, and amend Sections 1976 and 1977, of the Revised Codes of Montana, of 1907, relating to Hunting and Fishing Licenses, the manner of issuing the same and providing a penalty for violation of this Act."

Referred to Committee on Fish and Game.

By Committee on State Boards, H. B. No. 214: A bill for an Act entitled, "An Act to amend Section 1497, Revised Codes of Montana, of 1907, relating to expenses incurred by counties, cities, and towns, in caring for persons afflicted with communicable diseases."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Derry, H. B. No. 165: A bill for an Act entitled, "An Act to amend Section 2841 of the Revised Codes of Montana, of 1907, providing for a change in the boundary line between Sanders and Missoula County.

Referred to Committee on Counties, Towns and Municipal Corporations.

By unanimous consent, Committee on Railroads and Transportation was granted permission to introduce a bill without previous notice.

By Committee on Railroads and Transportation, S. B. No. 131: An Act entitled, "An Act to regulate common carriers, and to provide for certain appliances, rules, and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana, certain powers in relation thereto."

Referred to Committee on Railroads and Transportation.

McCarthy moved, seconded by Kessler, that the vote by which the adoption of the report of Committee on Investigation of State Penitentiary was lost be reconsidered.

Motion prevailed and vote reconsidered.

Edwards moved, duly seconded, that the report of the Committee on Investigation of the State Penitentiary be adopted.

Meyer, moved as a substitute, seconded by Cockrell, that the report be made a special order for 3 P. M. tomorrow.

Substitute motion lost.

Original motion prevailed, and report adopted and committee discharged.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Your Committee on Printing, to whom was referred Senate Bills numbered 94, 126, 127, and 130, beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to Steering Committee.

On motion of Everett, seconded by Donlan, Miss Blackstone, now acting as stenographer in the Senate be assigned as assistant to Bill Clerk for the remainder of the Session.

On motion of Donlan, seconded by Tooley, Senate resolved itself

into Committee of the Whole for consideration of Bills on General File with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 120 do pass.

H. B. No. 254 be concurred in.

H. B. No. 223 be taken from report of Committee of the Whole and re-referred to General File.

H. B. No. 166 be concurred in.

H. B. No. 259 be concurred in.

H. B. No. 223 be concurred in.

H. B. No. 170 be concurred in.

H. B. No. 201 be amended in the title, also in Section 1, by striking out in line 1 the figures "2000" and inserting in lieu thereof the figures "3000" and as so amended the bill be concurred in.

H. B. No. 96 be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of Rae, seconded by McCarthy, report adopted and Senate Bill No. 120 referred to Engrossing Committee. House Bills Nos. 254, 166, 259, 223, 170, 201, and 96, referred to Calendar for Third Reading. H. B. No. 222 re-referred to General File.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 49, 50, 75, and 86, beg leave to report as follows: That same have been signed by the Speaker of the House and are now in the hands of His Excellency, the Governor.

Respectfully,

RAE, Chairman.

Third reading of bills.

H. B. No. 254, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Long, Kessler, Metcalf, McCone, McDonnell, Rae, Selway, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Donlan, Meyer, Muffley, McCarthy, Romney, Sanders, Haviland.—7.

Title agreed to.

H. B. No. 166 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Cardwell, Meyer, Muffley, McCarthy, Romney, Truscott.

Title agreed to.

H. B. No. 259 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Selway, Sykes, Toley.—22.

Noes: None.

Absent and not voting: Meyer, Muffley, Romney, Sanders, Truscott.—5.

Title agreed to.

H. B. No. 223 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Cockrell, Haviland, Meyer, Muffley, Romney, Sykes, Truscott.—7.

Title agreed to.

H. B. No. 170 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Haviland, Muffley, Romney, Sykes, Truscott.—7.

Title agreed to.

H. B. No. 201 concurred in as amended by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Fairbanks, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, Mr. Donnell, Rae, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Daly, Edwards, Haviland, Muffley, Romney, Sykes, Truscott.—7.

Title agreed to.

H. B. No. 96 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Donlan, Edwards, Everett Kessler, Long, Metcalf, Meyer, McCarthy, Rae, Sanders, Selway, Tooley.—16.

Noes: Albright, Cowgill, Fairbanks, McCone, McDonnell, Sykes.—6.

Absent and not voting: Daly, Haviland, Muffley, Romney, Truscott.—5.

Title agreed to.

On motion of Kessler, duly seconded, rules suspended and Senate Bill No. 120 considered engrossed and placed on Calendar for third reading.

S. B. No. 120 read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Long, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley.—23.

Noes: None.

Absent and not voting: Albright, Haviland, Muffley, Truscott.—4.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Fairs and Exposition, having acted on Substitute House Bill numbered 237, introduced by Committee on Sanitary Affairs, a bill for an Act entitled, "An Act to restrict the sale of alkaloid, cocaine or its salts, alpha or beta eucaine or their salts, providing penalty for the violation thereof, repealing acts and parts of acts in conflict herewith, do most respectfully recommend that the same be concurred in with the following amendment: Insert after the word "Physician" in Section 1, "or who shall refill such prescription."

Respectfully,

HAVILAND, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred Senate Bill numbered 131, a bill for an Act entitled, "An Act to regulate common carriers and to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees of railway trains," beg leave to report as follows: That they have had same under consideration and recommend that it do pass.

Respectfully,

EVERETT, Chairman.

On motion of Everett, seconded by Kessler, report adopted and bill referred to Printing Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred Sub. for House Bill numbered 209, a bill for an Act entitled, "An Act to require railway corporations, operators, agents or persons in charge of railroads, telegraph or telephone stations to report delayed trains, prescribing the method thereof and providing penalties," beg leave to report as follows: Having had the same under consideration,

recommend that it be concurred in.

Respectfully,

EVERETT, Chairman.

On motion of Rae, seconded by Kessler, report adopted and bill referred to Steering Committee.

On motion of Donlan, seconded by Kessler, the Senate at 12:20 P. M. recessed until 2:30 P. M.

Senate reconvened at 2:30 P. M.

President in the chair.

Roll called. Quorum present.

The following House Bills were read first and second times and referred:

By Hutchinson, H. B. No. 227: A bill for an Act entitled, "An Act to provide for a chemist and bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary and appropriating money therefor."

Referred to Committee on Education.

House Substitute for Senate Bill No. 17, by Judiciary Committee: A bill for an Act entitled, "An Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of judges."

Referred to Judiciary Committee.

The following communication from His Excellency the Governor was received and read:

Executive Office, Helena, Montana, March 2, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana.

I have the honor to advise you that the following Senate Bills have been approved and deposited with the Secretary of State:

No. 71: An Act concerning the payment of deposits in bank in trust.

No. 31: An Act relating to banks and banking, providing for conversion from a State bank to a National bank and surrender its charter and a State bank and transfer of its property, providing for an increase or decrease in the capital stock of such a bank; providing for the conversion from a National to a State bank.

No. 67: An Act to prevent discrimination by surety companies.

No. 75: An Act to authorize and direct the Montana State Board of Land Commissioners to purchase certain lands for the benefit and use of the Agricultural Experiment Station connected with and a department of the Montana Agricultural College at Bozeman, Montana.

No. 86: An Act to provide for the payment of the actual expenses of County Assessors incurred in the performance of official duties.

No. 66: An Act to amend Section 2244 of the Codes of Montana of 1907, requiring the State Engineer to pass upon and furnish plans and specifications for bridges when requested so to do by Boards of County commissioners.

EDWIN L. NORRIS, Governor.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 227 and House Substitute bill for Senate Bill No. 17, and Senate Bill No. 111, have this day been read three several times and passed, title agreed to, and House Bill No. 227 and House substitute for Senate Bill No. 17 are herewith transmitted for your concurrence, and Senate Bill No. 111 is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 2, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following House Bills were this day introduced, read first and second times and referred:

By Shoemaker, H. B. No. 402: A bill for an Act entitled, "An Act maknig it unlawful for any person owning or having sheep in charge to herd or permit the same to be herded on the land or possessory claims of other persons, or to herd the same or permit the same to be herded or grazed within one-half mile of the dwelling house of the owner of any land or possessory claim."

Referred to Committee on Public Ranges.

By Smith, H. B. No. 403: A bill for an Act entitled, "An Act to create a state accident and total permanent disability fund for all employees in and around metalliferous mines, mills and smelters in the State of Montana, and providing for the maintenance and management of the same, extending and defining the duties of the State Auditor, and fixing penalties for the violation of the provisions of this Act."

Referred to Insurance Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Edwards, duly seconded, House amendments to Senate Bill No. 111 were concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCone, McDonnell, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Albright, Donlan, McCarthy, Rae, Romney.—5.

Report of Joint Committee appointed to investigate affairs of State Land Office was received and read.

On motion of Cowgill, seconded by Sykes, report accepted and adopted and Committee discharged.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Stockgrowing and Grazing, to whom was referred H. B. No. 243, introduced by Pierson, entitled, "An Act to provide for the assessment of live stock, creating a migratory stock fund and providing for the collection and distribution of taxes thereon," having had the same under consideration, recommend that it be concurred in.

Respectfully,

SELWAY, Chairman.

On motion of McCone, seconded by Fairbanks, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Stockgrowing and Grazing, having had under consideration Substitute for House Bill No. 52, introduced by Committee on Live Stock and Public Ranges, having had the same under consideration, beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

SELWAY, Chairman.

On motion of McCone, seconded by Fairbanks, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 21 a bill for an Act entitled, "An Act to provide for the taxation of mortgages of real property, having had the same under consideration, beg leave to report as follows: Respectfully recommend that same be not concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 231, a bill for an Act entitled, "An Act enlarging the duties of the Board of County Commissioners by constituting them a Board of Apprisers of Real Estate and requiring them to devote their entire time in the performance of the duties of their office. And repealing Sections 2886, 2891, 2892, and 2893, of the Revised Codes in conflict herewith, and amending Section 2894, of the Revised Codes in conflict herewith, and amending Section 2894 of the Revised Codes and fixing the compensation of the members of the Board of County Commissioners hereafter to be elected; having had the same under consideration, beg leave to report as follows; recommend that the same be referred to the Steering Committee with no further recommendations.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 346 a bill for an Act entitled, "An Act authorizing and empowering the State Board of Examiners to issue bonds provided for by an Act entitled 'An Act to authorize the State of Montana to become indebted in excess of one hundred thousand ($100,000.00) dollars and to provide for the issuance of bonds in the name of the state for the redemption of bonds heretofore executed and issued by the State Board of Land Commissioners, for the use and benefit of various state educational institutions, and also to make whole the permanent funds of various state educational institutions' approved March 1st, 1907," having had the same under consideration beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Substitute for House Bill numbered 171, a bill for an Act entitled, "An Act to amend Section 2742 and 2743 of the Revised Codes of Montana, of 1907, relating to the payment of taxes under protest and fixing the time within which suit shall be commenced for the recovery of same, having had same under consideration beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Steering Committee.

The following communication from the House received and read:

House of Representatives, Helena, Montana, March 2, 1909.

Mr. President:

I am directed by the House to request that Senate Bill No. 62 be returned to the House for further consideration.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File. Senate Bills Nos. 94, 127, 126, 130, and Sub. for Senate Bill No. 45. House Bills Nos. 281, 280, 124, 100, 111, and 356.

Respectfully,

EDWARDS, Chairman.

Report adopted and Bills referred to General File.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for consideration of Bills on General File with Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills instruct me to report and recommend that,

S. B. No. 94 be indefinitely postponed.

S. B. 127 do pass.

S. B. No. 130 be amended by striking out all Section 2 and Sections be renumbered, and as so amended the bill do pass.

S. B. No. 126 do pass.

Sub. for S. B. No. 45, be amended in Section 5, line 38 by striking out the words after "county", the words "and of the county wherein the conviction was had", also amend Section 14 line 102 by striking out the words beginning with the word "a" and ending with the word "poisoning" in line 104; Also amend Section 13, line 92, by striking out the words beginning with the word "or" and ending with the first word "defendant" in line 94; Also amend Section 6 by striking out line 41 and line 42 ending with the word "present"; also amend Section 1 by inserting after the figures "9388" the figures "9389"; also amend the bill by adding a new section to be numbered Section 10.

Section 10: If there is good reason to suppose that a woman against whom a judgment of death is rendered is pregnant the Sheriff of the county with the concurrence of the Judge of the Court by which the judgment was rendered, may summon a Jury of three Physicians to inquire into the supposed pregnancy; immediate notice thereof must be given to the County Attorney in which the State Prison is located, and the provisions of Section 6 of this Act shall apply to the proceedings upon the inquisition, which must be signed by the jurors; also to amend the bill by renumbering the Sections after Section 10, and that as so amended the bill do pass.

H. B. No. 222 be amended by inserting in line 8 of the printed bill after the word "prison" the following "Montana State Fair", and as amended the bill be concurred in.

H. B. No. 280 be concurred in.

H. B. No. 281 be concurred in.

H. B. No. 124 be concurred in.

H. B. No. 100 be concurred in.

Sub. for H. B. No. 111 be amended in Section 1, by striking out Senate Judiciary amendment, and as amended the bill be concurred in.

H. B. No. 356 be concurred in.

Respectfully,

TRUSCOTT, Chairman.

Truscott moved, seconded by Albright, that report of Committee of the Whole be adopted as read.

Cowgill moved, seconded by McDonnell, that House Bill No. 356 be be segregated from report of Committee of the Whole.

Amendment motion lost, original motion prevailed, report of the Committee of the Whole adopted as read, and Senate Bills Nos. 127, 130, 126, and Substitute for Senate Bill No. 45, referred to Engrossing Committee. House Bills numbered 222, 281, 124, 280, 100, 356, and Sub. for H. B. No. 111 referred to Calendar for third reading. Senate Bill No. 94 indefinitely postponed.

Edwards moved, seconded by Tooley that all Senate Bills be considered engrossed and placed on Calendar for third reading to-day.

Motion carried.

Conference Committee on Senate Bill No. 24, reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Joint Conference Committee, to whom was referred Senate Bill No. 24 beg leave to report as follows, that we have had same under consideration, and recommend that all amendments made in Committee of the Whole of the House of Representatives be rejected except the insertion by amendment of Section 3, also that Section 4 be amended in line 2 of the printed bill by striking out all of the words after the word "of" and inserting in lieu thereof the following, "Five Thousand Dollars for the year 1909, and Five Thousand Dollars for the year 1910."

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Selway, report adopted.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Education, to whom was referred H. B. No. 227 entitled, "An Act entitled, 'An Act to provide for a Chemist and Bacteriologist to the State Board of Health, defining his powers and duties, fixing his salary, and appropriating money therefor,' " beg leave to report and recommend that the same do pass.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, duly seconded, report adopted and bill referred to Steering Committee.

On motion of Selway, duly seconded House Bill No. 141 is recalled from the House for further consideration.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No 51, beg leave to report as follows, that same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Selway moved, seconded by Donlan, to reconsider the vote by which

House Bill No. 141 was indefinitely postponed yesterday.

Motion lost.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Engrossed Bills to whom was referred Senate Bill No. 111, begs leave to report as follows, that same has been correctly engrossed and returned to the Senate.

Respectfully,

KESSLER, Chairman.

Report adopted and bill referred to Enrolling Committee.

President gave notice that he was about to sign Senate Bill No. 51, H. C. R. No. 2, H. Bills numbered 127, 182, 218, 234, 94, 198, 233, 220, 215, 153, 148, and signed same in open session.

Third reading of bills.

H. B. No. 281 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Fairbanks, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Tooley.—17.

Noes: None.

Absent and not voting: Donlan, Edwards, Everett, Haviland, Long, Muffley, McCarthy, Sykes, Romney, Truscott.—10.

Title agreed to.

H. B. No. 280 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCone, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Meyer, McCarthy, McDonnell, Rae, Romney, Sykes, Truscott.—7.

Title agreed to.

H. B. No. 124 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Meyer, Rae.—2.

Title agreed to.

H. B. No. 100 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Haviland, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—21.

Noes: None.

Absent and not voting: Everett, Fairbanks, Kessler, Meyer, Rom-

ney, Truscott.—6.

Title agreed to.

H. B. No. 356 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Muffley, McCarthy, Rae, Romney, Selway, Sykes, Tooley, Truscott.—18.

Noes: Cardwell, Conrow, Cowgill, Everett, Metcalf, Meyer, McCone, McDonnell, Sanders.—9.

Absent and not voting: None.

Title agreed to.

Sub. H. B. No. 111 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Truscott.—22.

Noes: Cowgill, Sykes, Tooley.—3.

Absent and not voting: Daly, Meyer.—2.

Title agreed to.

H. B. No. 222 read a third time and concurred in by the following vote:

Ayes: Albright, Cardwell, Daly, Donlan, Edwards, Everett, Haviland, Kessler, Long, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Truscott.—17.

Noes: Annin, Cockrell, Conrow, Cowgill, Fairbanks, Metcalf, Selway, Tooley.—8.

Absent and not voting: Meyer, Sykes.—2.

Title agreed to.

S. B. No. 130 read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Edwards, Long, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Truscott.—17.

Noes: Albright, Conrow, Everett, Fairbanks, Haviland, Kessler, Metcalf, Muffley, Tooley.—9.

Absent and not voting: Meyer.—1.

Title agreed to.

S. B. No. 127 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—26.

Noes: None.

Absent and not voting: Rae.—1.

Title agreed to.

S. B. No. 126 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley,

McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: Cockrell, Conrow.—2.

Absent and not voting: None.

Title agreed to.

Sub. for Senate Bill No. 45 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Edwards, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: Conrow, Edwards.—2.

Absent and not voting: Donlan, Rae.—2.

Title agreed to.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Steering Committee begs leave to report for General File House Bill No. 227.

Respectfully,

EDWARDS, Chairman.

Moved by Muffley, seconded by Truscott, that the vote by which House Bill No. 280 was concurred in be reconsidered.

Motion carried.

Moved by Muffley, seconded by McCarthy, that House Bill No. 280 be re-referred to General File.

Motion carried.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with Truscott in the chair.

Committee arose.

Senate resumed.

President in the chair.

Truscott, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

H. B. No. 227 be concurred in.

H. B. No. 280 be amended by striking out the word "so" in line 7 and insert in lieu thereof the word "than;" also amend Section 1 by inserting the word "or" after the word "sell" and before the word "vend," and as so amended the bill be concurred in.

Respectfully,

TRUSCOTT, Chairman.

On motion of Muffley, seconded by Truscott, report adopted and House Bills Nos. 227 and 280 referred to Calendar for third reading.

Third reading of bills.

H. B. No. 227 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Donlan, Everett, Haviland, Kessler, Long, Metcalf, Muffley, MacCarthy, Rae, Romney, Sanders, Tooley, Truscott.—19.

Noes: Conrow, Fairbanks, McCone, McDonnell, Sykes.—5.

Absent and not voting: Edwards, Meyer, Selway.—3.

Title agreed to.

H. B. No. 280 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Edwards, Selway.—2.

Title agreed to.

Conference Committee amendments to Senate Bill No. 24 adopted by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Edwards, Kessler, Selway.—3.

On motion of Donlan, seconded by Albright, Senate Bill No. 24 was considered engrossed and referred to Enrolling Committee.

On motion of Donlan, duly seconded, Senate adjourned at 5:30 until 1 P. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Fifty-Ninth Day.

Helena, Montana, March 3, 1909.

Senate convened at 1 o'clock P. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Everett, seconded by Donlan, reading of the Journal in open session dispensed with for the balance of the session, and the President appointed Tooley, Selway, and Truscott as a committee of three to read and report on the Journal.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate

Bills Nos. 52, 56 and 111, beg leave to report as follows: That same have been correctly enrolled.

Respectfully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Bill No. 52, 56, and 111, and signed same in open session.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill No. 150, introduced by Werner, a bill for an Act entitled, "An Act of the Political Code of Montana relating to County Printing, to be desig- to add an additional Section to Article II, Chapter II, Title II, Part IV, nated as Section 4234, providing a penalty for violation of Section 4233, of the Political Code," having had same under consideration report the same back with the recommendation that it be not concurred in.

Respectfully,

McCone, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill not concurred in.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Printing, to whom was referred Senate Bill numbered 129 and 131 beg leave to report that same have been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bills referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Stockgrowing and Grazing, to whom was referred House Bill numbered 83, introduced by Pierson, entitled, "An Act to amend Sections 1889, 1890 and 1891 of the 1907 Revised Codes of Montana, relating to Powers of Live Stock Sanitary Board, authorizing the slaughter of diseased animals or animals supposed to be diseased, and providing for appraisal and compensation therefor, and repealing Section 1841, 1842, 1847, 1848, 1850, 1851, 1853, of the 1907 Revised Codes of Montana," beg leave to report as follows: Having had same under consideration, recommend that same be indefinitely postponed.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by McCone, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 165, a bill for an Act entitled, "An Act to amend Section 2841 of the Revised Codes of Montana of 1907, providing for a change in the boundry line between Sanders and Missoula County, beg leave to report as follows, that we have had

same under consideration, and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McDonnell, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred Substitute for House Bill No. 214 a bill for an Act entitled, "An Act to amend Section 1497, Revised Codes of Montana, 1907, relating to expenses incurred by Counties, Cities, and Towns in caring for persons inflicted with communicable diseases," beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 88, a bill for an Act entitled, "An Act making it the duty of the Sheriff of each county to visit in January and July of each year, every place within his county required by law to have a liquor license, to ascertain if the license law is being violated, to inspect and list licenses, and report to Board of County Commissioners and State Examiner," beg leave to report as follows: That we have had same under consideration, and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred House Bill numbered 61, being a bill for an Act entitled, "An Act to abolish the Cary Land Act Board, and providing that the State Board of Land Commissioners shall perform the duties heretofore performed by said Cary Land Act Board, and defining their duties, and the duties of the State Engineer in connection with said Board, having had the same under consideration, beg leave to report and recommend that the same be indefinitely postponed.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by Everett, report adopted and bill indefinitely postponed.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Fish and Game, to whom was referred House Bill numbered 108, a bill for an Act entitled, "An Act authorizing persons who are the owners, lessees, or who otherwise control land surrounding any lakes or ponds in the State of Montana, and who have established Fish Hatcheries on the shores of such lakes or ponds to catch fish therein, and to sell or offer for sale the same, and to ship the same within the State of Montana, prohibiting the shipping and sale of such fish out of the state and providing punishment for the violation of this Act," having had the same under consideration beg leave to offer the following amendments:

Amend Section 1, by inserting after the word "hatching" in line 6 the following: "And who shall deposit in said lake not less than five hundred thousand Spawn or Fry annually," also amend Section 1 by striking out the period in the last line of the Section, and adding the following "nor shall any trout of less than nine inches in length be offered for sale." Amend Section 2 by inserting after the word "hatchery" the following "the number of Spawn or Fry deposited in said lake or pond". Amend Section 3 by striking out the period at the end of the Section and adding the following "nor camping upon the lands adjacent thereto", and as amended we recommend the bill be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Selway, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 2, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred House Joint Resolution No. 8, being a Joint Resolution relating to Billings Polytechnic Institute, having had same under consideration beg leave to report and recommend that the words ten dollars ($10.00), in the last line be stricken out and the words "one hundred dollars ($100.00)" be inserted in lieu thereof, and as amended recommend that it be concurred in.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by Tooley, report adopted and Resolution referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: H. B. No. 256, Sub. H. B. No. 237, Sub. H. B. No. 209, H. B. No. 243, Sub. H. B. No. 52, Sub. H. B. No. 171, and H. B. No. 346.

Respectfully,

EDWARDS, Chairman

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 3, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that the report of the Conference Committee on Senate Bill No. 24, has this day been adopted by the House.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 3, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that the following notice of introduction of a bill was to-day given:

By MacGinniss: A bill for an Act to prohibit the discounting of time checks issued on account of indebtedness for labor.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Represenatives, Helena, Montana, March 2, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 119 was to-day reported back by the Committee on Judiciary with the recommendation that bill be not concurred in. Report adopted and S. B. No. 119 is herewith returned.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Represenatives, Helena, Montana, March 2, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that the following House Bills Nos. 368, 367, 365, 363, 343, 306, 275, 322, 372, 202,, 386, 19, 208, also Substitute for H. Bills 314 and 288, H. J. R. No. 7, have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Represenatives, Helena, Montana, March 2, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill No. 331 has been read three several times and passed, title agreed to, and is herewith transmitted for your concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Represenatives, Helena, Montana, March 2, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 18 having been read three several times and concurred in as amended is herewith returned to the Senate for its concurrence in the House amendments.

Respectfully,
CHAS. Z. POND, Chief Clerk.

Moved by Edwards, seconded by McCarthy, that House amendments to Senate Bill No. 18 be not concurred in and that the President appoint

a conference committee to confer with a like committee from the House in reference to said bill.

Motion carried, and President appointed Edwards, Albright and Romney as such committee.

State Fair Investigation Committee reported as follows:

Senate Chamber, Helena, Montana, March 1, 1909.

Mr. President:

Your Committee on State Fair Investigation begs to report the result of its investigation as follows:

In order to arrive at some idea of the operations of the State Fair since it was taken over by the State in 1903, your committee engaged an expert accountant to prepare a report on the transactions of the Stae Fair officials, this report made by Donald Arthur, public accountant, Butte, is submitted herewith.

As will be seen, the report contains a statement showing the results of the expert's examination of receipts and disbursements for the fiscal years of 1903 to 1908, inclusive. The recommendations contained in the report regarding the installation of a complete and proper system of accounting, including the recommendations regarding the issuance of admission tickets and passes, and the publication of contributions received by private individuals, are heartily endorsed by this committee. As will be seen by the expert's report, no misappropriation of funds was discovered.

The committee summoned several witnesses before them in order to determine whether or not the State Fair was being operated on a business-like basis, and the testimony of these witnesses showed that while every endeavor was apparently made to operate the Fair for the best interests of the State, the methods used in doing so were far from business-like. In the matter of construction of plant at the fair grounds, no accurate data could be obtained going to show the cost of each particular unit of the plant, and it developed that practically the entire plant was built by Contractor E. W. Fiske of Helena, although the witnesses claimed that competitive bids were asked for.

The recommendations of your committee are:

1. That a complete and proper system of accounting be installed as of December 1, 1908.

2. That the deficiency appropriation for the State Fair be not incurred in the future.

Respectfully,

ROMNEY, Chairman
CONROW.
RAE.
McDONNELL.
FAIRBANKS.
WOOD.
WERNER.
LARGEY.
WILHAM.

Moved by Rae, seconded by Kessler, that reading of expert's statement of State Fair Investigation be dispensed with, and report be adopted.

Motion carried.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File:

Senate Bill No. 129 and 131. H. J. R. No. 8, and H. B. No. 108.

Respectfully,

EDWARDS, Chairman.

The following House Bills were read first and second times and referred:

By Berkin, H. B. No. 275: A bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana, of 1907, authorizing and empowering the State Game and Fish Warden to create additional State Game and Fish Districts, and to appoint additional special deputy Game and Fish Wardens."

Referred to Committee on Fish and Game.

By Berkin, Sub. for H. B. No. 288: A bill for an Act entitled, "An Act to appropriate money out of the Fish and Game Fund, for the maintenance and operation of the State Fish Hatchery, at Anaconda, Montana, for the years 1909, and 1910."

Referred to Committee on Fish and Game.

By Committee on Appropriations, H. B. No. 322: A bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claims of the State Deaf and Dumb Asylum, incurred during the year ending February 28, 1909."

Referred to Committee on Finance and Claims.

By Derry, H. B. No. 372: A bill for an Act placing the highways and bridges in counties of the first class under the supervision and control of the County Surveyor, defining his powers and duties, and fixing his compensation and abolishing the office of Road Supervisor in counties of the first class."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Cluston, H. B. No. 19: A bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part III, Title II, of the Political Codes of the State of Montana, relating to duties of canvassing boards."

Referred to Committee on Privileges and Elections.

By Norton, H. J. R. No. 7: A Joint Resolution relative to the opening of Flathead Reservation.

Referred to Committee on Federal Relations.

By Gray, H. B. No. 244: A bill for an Act entitled, "An Act relating to the deposit of funds in the hands of State Treasurer, designating the depositaries thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution, creating a State Depositary Board.

Referred to Committee on Judiciary.

By Harbert, H. J. M. No. 9: Relating to a bill introduced by Joseph M. Dixon, relating to the sale of intoxicating liquors on Flathead Reservation.

Referred to Committee on Federal Relations.

By Committee on Appropriations, Sub. for H. B. No. 314: A bill for an Act entitled, "An Act making appropriations for the Executive and Judicial Department of the State Government for two years, namely from February 28, 1909, to February 28, 1910, and from February 28, 1910, to February 28, 1911.

Referred to Committee on Finance and Claims.

By Woody, H. B. No. 202: A bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana, 1907, relating to salary and compensation of deputies to county officers and assistants."

Referred to Committee on Counties, Towns and Municipal Corporations.

By Cummings of Chouteau, H. B. No. 208: A bill for an Act entitled, "An Act for appropriating money for the restoration and maintenance of old Fort Benton."

Referred to Committee on Finance and Claims.

By Burke, H. B. No. 386: A bill for an Act entitled, "An Act to amend Section 3240, of Article III, Title III, Part IV, of the Political Code of Montana, of the Revised Codes of Montana 1907, fixing the salaries of Mayor and Alderman in cities of the first class."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 368: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for services rendered and supplies furnished the Montana State Fair Association, during the year 1908."

Referred to Committee on Finance and Claims.

By MacGinniss, H. B. No. 269: A bill for an Act entitled, "An Act relating to the payment of deposits in two names."

Referred to Committee on Corporations other than Municipal.

By MacGinniss, H. B. No. 270: A bill for an Act entitled, "An Act to amend Section 5923 of the Revised Codes of Montana, relative to the payment of instruments made payable at a bank."

Referred to Committee on Corporations other than Municipal.

By MacGinniss, H. B. No. 267: A bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds or a credit for the payment of the same."

Referred to Committee on Corporations other than Municipal.

By Christler, H. B. No. 248: A bill for an Act entitled, "An Act to appropriate two hundred and fifty ($250.00) dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for service as meat and milk inspector in Chouteau County from December 1, 1904, to March 31, 1905, inclusive."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 343: A bill for an Act

entitled, "An Act to appropriate money for the payment of deficiency claims of the state prison during the year ending February 28, 1909.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 363: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim on account of the Montana State Reform School."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 365: A bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 367: A bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for a certain person on account of supplies furnished the State Fish Hatchery, at Anaconda, Montana."

Referred to Committee on Finance and Claims.

By Christler, H. B. No. 331: A bill for an Act entitled, "An Act to provide for the reformation of erring women and girls.'"

Referred to Committee on Public Morals.

By Derry, H. B. No. 217: A bill for an Act entitled, "An Act to authorize Public Administrators to require statements from persons and corporations having in their possession or control money or other personal property belonging to deceased persons and to collect the same and summarily settle estates where the value thereof is less than two hundred ($200.00) dollars.

Referred to Committee on Judiciary.

By Ward, by request, H. B. No. 306: A bill for an Act entitled, "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment, against any property and for such installments to issue annual interest bearing warrants, and to levy and collect assessments to pay for the same, and to extend the payment of the installments over any period not exceed eight years."

Referred to Committee on Counties, Towns and Municipal Corporations.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Military Affairs, to whom was referred House Bill No. 228, a bill for an Act to conform the organization and discipline of the organized militia of the State of Montana, to the requirements of the Act of Congress entitled, 'An Act to promote the efficiency of the Militia, and for other purposes, approved January 21, 1903, and in pursuance thereof, to amend Sections 1045, 1051, 1053, 1055, 1056, 1060, 1062, 1074, 1082, and 1100, of the Revised Codes of Montana, 1907, relating to the Militia and National Guard of Montana," having had the same under consideration, beg leave to report as follows: Respectfully recommend

that the same be concurred in.

Respectfully,

COCKRELL, Chairman.

On motion of Cockrell, seconded by Annin, report adopted and bill referred to Steering Committee.

The following resolution was offered and read:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Be it resolved by the Senate, that on and after the passage of this resolution during the remainder of the Session, that the Sergeant at Arms and Door Keepers be instructed to allow no one except members of the House and State Officers within the bars of the Senate unless invited by the President or a Senator.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by McCone, resolution adopted and Sergeant at Arms instructed to see that Resolution is enforced.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 80 has been read a third time and concurred in, title agreed to, and is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bill referred to Enrolling Committee.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the following bills were to-day read three several times and passed, title agreed to, and are herewith transmitted to the Senate for your concurrence: H. J. M. No. 9, H. Bs. Nos. 217, 244, 248, 267, 269, 270.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File, with MacCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the general file of bills instruct me to report and recommend that:

H. B. No. 256, be concurred in.

Sub. for H. B. No. 237, be amended in Section 4, by striking out in line 17 the word "sell' and in line 21 by striking out the words "or sell",

and as amended the bill be concurred in.

Sub. for H. B. No. 209, be amended in Section 1 by striking out in line 4, the figure "5" and inserting in lieu thereof the figure "4", and as amended the bill be concurred in.

H. B. No. 243 be concurred in.

Sub. for H. B. No. 52 be concurred in.

Sub for H. B. No. 171 be concurred in.

H. B. No. 346 be concurred in.

S. B. No. 129 do pass.

S. B. No. 131 do pass.

H. J. R. No. 8, be amended by striking out the amendment offered by the Committee on Public Lands, and as amended it be concurred in.

H. B. No. 108, be concurred in.

Respectfully,

MacCARTHY, Chairman.

On motion of MacCarthy, seconded by Tooley, report adopted and House Bills numbered 256, 243, 346, 108; Sub. for H. B. No. 237; Sub. for H. B. No. 209; Sub. for H. B. No. 52; Sub. for H. B. No. 171; and H. J. R. No. 8, referred to Calendar for third reading. S. B. No. 129 and 131, referred to Engrossing Committee.

On motion of Edwards, seconded by Kessler, Senate Bills numbered 129 and 131 considered engrossed and placed on Calendar for third reading.

The following comunications from the House were received and read:

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the House requests the recall of Senate Bill numbered 119.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 400 and 401 have this day been read a third time and passed by the House, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Third reading of bills.

H. B. No. 256 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Kessler, Metcalf, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Edwards, Fairbanks, Haviland, Long, Meyer, Muffley, Truscott, Rae.—8.

Title agreed to.

H. B. No. 243 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone; McDonnell, Romney, Sanders, Sykes, Tooley.—20.

Noes: None.

Absent and not voting: Albright, Edwards, Long, Muffley, Rae, Selway, Truscott.—7.

Title agreed to.

Sub. for H. B. No. 52 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McDonnell, Sanders, Sykes, Tooley.—18.

Noes: None.

Absent and not voting: Cowgill, Edwards, Long, Muffley, Rae, Romney, Selway, Truscott.—9.

Title agreed to.

H. B. No. 346 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Cowgill, Haviland, Long, Muffley, Rae, Romney, Selway, Truscott.—8.

Title agreed to.

The President gave notice that he was about to sign House Bills Nos. 160, 281, 95, 254, 166, 227, 223, 170, 310, 259, 100, 124, 356, and signed same in open session.

Sub. for H. B. No. 171 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Sykes.—16.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Donlan, Everett, Long, Muffley, Rae, Romney, Selway, Tooley, Truscott.—11.

Title agreed to.

H. B. No. 108 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, Selway.—14.

Noes: Daly, Donlan, Fairbanks, McDonnell, Rae, Romney, Sanders.—7.

Absent and not voting: Everett, Long, Muffley, Sykes, Tooley, Truscott.—6.

Title agreed to.

Sub. for H. B. No. 209 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Fairbanks, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Romney, Selway.—20.

Noes: None.

Absent and not voting: Cowgill, Everett, Haviland, Long, Sykes, Tooley, Truscott.—7.

Title agreed to.

Sub. for H. B. No. 237 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Fairbanks, Kessler, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley.—20.

Noes: None.

Absent and not voting: Cowgill, Everett, Haviland, Long, Meyer, Sykes, Truscott.—7.

Title agreed to.

H. J. R. No. 8 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Donlan, Edwards, Fairbanks, Kessler, Meyer, Muffley, McCone, Rae, Romney, Selway, Sykes, Sanders.—15.

Noes: Cockrell, Conrow, Tooley.—3.

Absent and not voting: Cowgill, Daly, Everett, Haviland, Long, Metcalf, McCarthy, McDonnell, Truscott.—9.

Title agreed to.

Senate Bill No. 129 read a third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Everett, Fairbanks, Kessler, Meyer, Muffley, McCarthy, McCone, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Daly, Haviland, Long, Metcalf, McDonnell.—5.

Title agreed to.

S. B. No. 131 read third time and passed by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Conrow, Donlan, Edwards, Everett, Fairbanks, Kessler, Meyer, Muffley, McCone, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Daly, Haviland, Long, Metcalf, McCarthy, McDonnell.—6.

Title agreed to.

Romney moved, seconded by McCarthy, that the conference committee on Senate Bill No. 18 be recalled and that its membership be increased so as to consist of five members of each house.

Motion adopted, and the President appointed Tooley and Long as additional members on the conference committee.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 51, 52, 56, 111 and 30, beg leave to report as follows: That same have been signed by Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following bills, numbered 332 273 and 272, have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 315 has this day been read a third time and passed, title agreed to, and is herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 244, a bill for an Act entitled, "An Act relating to the deposit of funds in the hands of State Treasurer, designating the depositaries thereof, fixing the minimum rate of interest, and to carry out the provisions of the amendment to the State Constitution, creating a State Depositary Board," having had the same under consideration, respectfully report as follows: Respectfully recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Albright, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Public Morals, having had under consideration House Bill No. 331, by Christler being a bill for an Act to provide for the reformation of erring women and girls, beg leave to report with the recommendation that it be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill numbered 267, a bill for an Act entitled, "An Act to punish the giving of checks or drafts on any bank or other depositary wherein the person so giving such check or draft shall not have sufficient funds, or a credit for the payment of the same," beg leave to report as follows: That said committee recommend the bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 3, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 269, a bill for an Act entitled, "An Act relating to the payment of deposits in two names," beg leave to report as follows: That said committee recommend that same be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Kessler, report adopted and bill referred to Steering Committee.

The following bills were read first and second times and referred:

By Committee on Appropriations. H. B. No. 401: A bill for an Act entitled, "An Act appropriating money to meet and pay deficiency claim for public printing for the year ending February 28, 1909.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 400: A bill for an Act entitled, "An Act making appropriations for the State institutions of Montana for the period ending February 28, 1910, and February 28, 1911."

Referred to Committee on Finance and Claims.

By Jacobson, H. B. No. 332: A bill for an Act entitled, "An Act to repeal Section 2270 of the Revised Codes, relative to the entry, settlement and forfeiture of land reclaimed by the State under the Carey Land Act."

Referred to Committee on Public Lands.

By MacGinniss, H. B. No. 273: A bill for an Act entitled, "An Act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations."

Referred to Committee on Corporations other than Municipal.

By MacGinniss, H. B. No. 272: A bill for an Act entitled, "An Act fixing the liability of bank to its depositor for payment of forged or raised checks."

Referred to Committee on Corporations other than Municipal.

By Committee on Ways and Means, H. B. No. 315: A bill for an

Act entitled, "An Act to provide for the support of the Government of the State of Montana for the years 1909 and 1910.

Referred to Committee on Finance and Claims.

On motion of Donlan, duly seconded, Senate adjourned at 3:30 P. M. until 10 A. M. tomorrow.

W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

Sixtieth Day.

Helena, Montana, March 4, 1909.

Senate convened at 10 o'clock A. M.

President in the chair.

Roll called. Quorum present.

Prayer by the Chaplain.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 24, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

The President gave notice that he was about to sign Senate Bill No. 24, and signed same in open session.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bill No. 354 was this day read a third time and passed and is herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 76 has this day been read a third time and concurred in, and is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bill referred to Enrolling Committee.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills numbered 366, 206, 291, 284, and 296 have this day been read a third time and passed, title agreed to, and are herewith transmitted for

your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following House Bills were read first and second times and referred:

By McCoy, H. B. No 354: A bill for an Act entitled, "An Act to amend Section 6378 of the Revised Codes of Montana, of 1907, relating to salary and mileage of Court Stenographers".

Referred to Judiciary Committee.

By Kilgallon, H. B. No. 206: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 366: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims in legal form."

Referred to Committee on Finance and Claims.

By Edgerton, H. B. No. 291: A bill for an Act entitled, "An Act to make foreign corporations and joint stock companies, corporations and joint stock companes of this state for purposes of jurisdiction and to make the stocks and shares of such corporations and joint stock companies subject to attachment the same as the stocks and shares of domestic corporations are now subject to attachment under the laws of this State."

Referred to Committee on Corporations other than Municipal

By Hayes, H. B. No. 284: A bill for an Act entitled, "An Act to amend 'An Act to determine the liability of persons or corporations operating railways or railroads in this state for damages sustained by employees thereof, and to declare void contracts restricting such liability, which act was approved on January 16, 1905, and to provide for the determination of the liability to persons and corporations operating railways or railroads in this state for damage sustained by employees thereof, and the heirs and personal representatives of such employees in case of death and to declare void contracts restricting such liability."

Referred to Committee on Railroads and Transportation.

By Norton, H. B. No. 296: A bill for an Act entitled, "An Act requiring hereafter all contractors on buildings and works owned by, or to be accepted by, the State of Montana to enter into an agreement to the effect that all persons employed on such works or buildings be paid the scale of wages fixed by labor unions in the place where the building or work is to be done, and to the effect that such contractors will conform to the rules relating to wages, hours constituting a day, and other rules for work fixed by labor unions, in the place the building or work is to be carried on.

Referred to Committee on Labor and Capital.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills to whom was referred Senate Bill No. 80, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 80, and signed same in open Session .

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

We, your Committee appointed to read the Senate Journal, report that we have read same for the 58th and 59th days and find same correct.

Respectfully,

SELWAY, Acting Chairman.

On motion of Selway, seconded by Fairbanks, report adopted.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Fish and Game, to whom was referred Substitute for H. B. No. 288, a bill for an Act entitled, "An Act to appropriate money out of the Fish and Game fund for the maintenance and operation of the State Fish Hatchery at Anaconda, Montana, for the years, 1909, and 1910", having had the same under consideration beg leave to report as follows, recommend that same be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Selway, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Public Lands, to whom was referred House Bill numbered 332, beg leave to report as follows, having had same under consideration recommend that it be concurred in.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 253 a bill for an Act entitled, "An Act providing for the appointment and prescribing the duties of School Physicians, having had the same under consideration beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill numbered 217, a bill for an Act entitled, "An Act to authorize public administrators to require statements from persons and corporations, having in their possession or control money or other personal property belonging to deceased persons, and to collect the same and summarily settle estates where the value thereof is less than two hundred ($200.00) dollars," having had the same under consideration beg leave to report as follows: Respectfully recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Steering Commitee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Substitute for Senate Bill No. 17, introduced by House Judiciary Committee, a Bill for an Act entitled, "An Act to amend Section 6315 of the Revised Codes of Montana, concerning the disqualification of judges," having had the same under consideration, beg leave to report as follows: Respectfully recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations to whom was referred House Bill No. 372, a bill for an Act placing the highways and bridges in counties of the first class under supervision and control of the county surveyor, defining his powers and duties, fixing his compensation and abolishing the office of Road Supervisor, in counties of the first class, beg leave to report as follows: That we have had same under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to to whom was referred House Bill No. 306, a bill for an Act entitled, "An Act to empower city and town councils to pay in installments for any improvements which are to be paid for by special assessment against any property and for such installments to issue annual interest bearing warrants, and to levy and collect assessments to pay for the same and to extend the payment of the installments over any period not exceeding eight years," beg leave to report as follows: That we have had same

under consideration and recommend that it be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred Substitute House Bill numbered 210, beg leave to report that they have had same under consideration, and recommend that the bill be amended as follows:

Amend Section 1 by striking out the word "second" and inserting in lieu thereof the word "first," and as amended the bill be concurred in

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill numbered 272, a bill for an Act entitled, "An Act fixing the liability of a bank to its depositor for payment of forged or raised checks," beg leave to report as follows: That said committee having had same under consideration, respectfully recommend that bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill numbered 273, a bill for an Act entitled, "An Act concerning notaries public who are stockholders, directors, officers or employees of banks or other corporations," beg leave to report as follows: That said committee, having had same under consideration, recommend that bill be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill numbered 270, a bill for an Act entitled, "An Act to amend Section 5973 of the Revised Codes of Montana, relative to the payment of instruments made payable at a bank," beg leave to report as follows: That said committee, having had House Bill No. 270 under

consideration, recommend that same be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, to whom was referred House Bill numbered 202, a bill for an Act entitled, "An Act to amend Section 3118 of the Revised Codes of Montana of 1907, relating to the salary and compensation of deputies to county officers and assistants," beg leave to report as follows:

Recommend that Section 1 of said bill be amended by striking out the word "sixth" in the thirty-second line of the second page and by inserting the said word "sixth" between the words "the" and "seventh" in the thirty-seventh line of page two of said bill, and that as so amended, recommend that the bill be concurred in.

Respectfully,

DONLAN, Chairman.

On motion of Albright, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: Substitute House Bill No. 214, House Bills Nos. 228, 331, 269, 244 and 88.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

The following communications from the House received and read:

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 350, 359, 360, 380, 321, 162, 178, 296 and H. J. R. Nos. 5 and 13, have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 246, 319, 320, 383, 387, 390, 393, 394, 395, 396, 397, 404 and Sub. for H. B. No. 10 have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The following House bills were read first and second times and referred:

By Committee on Appropriations, Sub. for H. B. No. 246: A bill for an Act appropriating money for the relief of certain persons by the payment of claims of certain persons for horses slaughtered by the Deputy State Veterinary Surgeon in Gallatin County, Montana.

Referred to Committee on Finance and Claims.

By Harbert, H. B. No. 319: A bill for an Act entitled, "An Act for the appropriation of money to pay the claim of a certain person for services rendered as meat and milk inspector in Flathead county during the years 1906 and 1907."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 320: A bill for an Act to pay employees of the Senate and House as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Section 223, Part III, Title I, Chapter II, Article V of the Political Code, State of Montana."

Referred to Committee on Finance and Claims.

By Largey, H. B. No. 383: A bill for an Act to appropriate money for the expenses incurred by the committee appointed to investigate the management of the State Fair.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 387: A bill for an Act entitled, "An Act to appropriate money for the payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 390: A bill for an Act entitled, "An Act to appropriate money to defray the expenses of a joint committee appointed to investigate the State Prison at Deer Lodge."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 393: A bill for an Act entitled, "An Act to appropriate money to defray the expenses of a joint committee appointed to investigate the State Orphan's Home at Twin Bridges, Montana."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 394: A bill for an Act entitled" An Act appropriating money to defray the expenses of a joint Committee to investigate the State Reform School at Miles City, Montana."

Referred to Committee on Finance and Claims.

By Kilgallon, H. B. No. 395: A bill for an Act appropriating money for the payment of the deficiency claims for salary for the State Superintendent of Public Instruction of the State for the quarter ending February 28, 1909.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 396: A bill for an Act entitled, "An Act to appropriate the sum of eight hundred dollars to pay C. S. Haire for services as architect on Reform School buildings."

Reforred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 397: A bill for an Act entitled, "An Act appropriating money for the payment of the claim of certain persons for expenses incurred transporting prisoners to the penitentiary for the years 1908 and 1909."

Referred to Committee on Finance and Claims.

By Burke, H. B. No. 404: A bill for an Act appropriating money for the payment of a claim against the State of Montana for loss arising from the slaughtering of diseased animals, under the provisions of Sections 1841 and 1842, Revised Codes of Montana."

Referred to Committee on Finance and Claims.

By Committee on Appropriations, Sub. for H. B. No. 10: A bill for an Act entitled, "An Act appropriating money for the erection, furnishing and equipment of a Hospital at the Montana State School for the Deaf and Blind and Feeble Minded at Boulder, Montana."

Referred to Committee on Finance and Claims.

By Connelly, H. B. No. 278: A bill for an Act to amend Chapter 106 of the laws of 1905, being "An Act to provide for the construction of drains and the assessment and collection of taxes therefor," by amending Sections 5 and 6 of Article I, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18 and 19 of Article II, Sections 1, 2, 3 and 4 of Article III, Sections 1, 2, 4, 6 and 9 of Article IV, Sections 1, 2, 3 and 4 of Article V, Section 6 of Article VI, and Section 18 of Article VIII thereof, and by adding a Section to Article II thereof to be known as Section 22, and by adding a section to Article IV thereof to be known as Section 10, providing for appeals from awards of special commissioners and assessments of Boards of Review, and repealing Sections 5, 11 and 12 of Article 5 thereof."

Referred to Committee on Judiciary.

By Cummings of Chouteau, H. J. R. No. 5: A joint resolution on waterways.

Referred to Committee on Federal Relations.

By Committee on Fish and Game, H. J. R. No. 13: Relative to the appointment of Mrs. Chas. P. Peyton as Deputy Game and Fish Warden for the term of four years.

Referred to Committee on Fish and Game.

By Pierson, H. B. No. 297: A bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors and marines."

Referred to Committee on Military Affairs.

By Owenhouse, H. B. No. 162: A bill for an Act entitled, "An Act appropriating money for the erecting and furnishing of a woman's dormitory at the Montana Agricultural College at Bozeman, Montana."

Referred to Committee on Finance and Claims.

By Harbert, H. B. No. 321: A bill for an Act entitled, "An Act to appropriate the sum of five hundred and seventy dollars to pay the Cut Bank Mercantile Company certain bounty claims upon certain coyote scalps lost in transmission to the County Clerk of Teton County, Montana, during the year 1908."

Referred to Committee on Finance and Claims.

By Committee on Education, H. B. No. 380: A bill for an Act entitled, "An Act prohibiting the practice of fortune telling, clairvoyancy, palmistry and astrology, and prohibiting the publishing, distributing or circulating or causing pamphlets or advertisements by or on behalf of any person for the purpose of advertising or holding out such person as a fortune teller, clairvoyant, palmist or astrologist."

Referred to Committee on Education.

By Committee on Insurance, H. B. No. 360: A bill for an Act entitled, "An Act to permit foreign surety companies to do business in this State and regulating the method thereof."

Referred to Committee on Insurance."

By Committee on Banking, H. B. No. 359: A bill for an Act entitled, an Act relating to Banks and Banking, and providing for the creation of a surplus fund.

Referred to Committee on Corporations other than Municipal.

By Roy, H. B. No. 350: A bill for an Act entitled, "An Act for the protection of employees discharged from their employment and providing penalties for the violation of this Act."

Referred to Committee on Capital and Labor.

Minority report of Conference, Committee on Senate Bill No. 18, is as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

We, a minority of your committee appointed to confer with a committee from the House on House amendments to Senate Bill No. 18, a bill for an Act entitled, "An Act to provide for the creation, organization, government and extension of Irrigation Districts, to prescribe the rights, powers, and duties thereof; to provide for the acquisition either by construction, purchase or otherwise and for the maintenance and control thereby, of works, water, property and rights for the irrigation of lands within and comprising such districts, and to provide for the payment therefor, and for the expense of such districts; and to extend and apply the provisions of this act to irrigation districts of the state heretofore organized, or in process of organization, under existing laws: and to repeal with certain reservations, the provisions of Section 2309 to 2402, both inclusive of Title X, Part III, of the Revised Codes of Montana, of 1907, beg leave to report as follows: That your committee met with a like committee from the House and proceeded to consider the House amendments to Senate Bill No. 18.

After such consideration, we, a minority of your committee recommend to the Senate that House amendment added to Section 1, be corrected and amended by striking out the word "other" in line 14, and inserting the words "more feasible".

That the House amendment in Section 4 be corrected and amended by striking out the word "other" in line 91, and inserting the words, "more feasible".

That the House amendment to Section 24 be corrected and amended

by striking out in line 399 the word "other" and inserting the words "more feasible".

That the House amendment to Section 35 be corrected and amended by striking out in line 529, the word "other" and inserting the words "more feasible".

That the House recede from the amendment made by striking out line 42, 43, and 44, and that said lines be re-instated, but that there be added thereto the following: Provided that such misdescribed lands or misnamed persons shall not be included in said district".

That the House recede from the amendment striking out the lines 114 and 115 and that the same be reinstated, but that the word "ten" in line 114 be changed to the word "sixty".

That the House recede from its amendment striking out a portion of line 441, and all of lines 442, to 444 inclusive, and that the same be re-instated.

That the House do not recede from its amendment to Section 36 and that the said Section 36 stand as amended by the House.

Respectfully,

DONLAN, Chairman.

Moved by Edwards, seconded by Donlan, that reading of the majority report be dispensed with, and that minority report be substitute for majority report, report be adopted and committee discharged.

Substitute report adopted and Committee discharged by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Donlan, Edwards, Conrow, Everett, Fairbanks, Haviland, Kessler, Meyer, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Cowgill, Daly, Long, Metcalf, McCone.—5.

On motion by unanimous consent bill considered engrossed and referred to Enrolling Committee.

Truscott moved, duly seconded, that rules be suspended and all Senate and House Bills read this day for the first and second time and placed on third reading be read the third time. Motion carried.

House of Representatives, Helena, Montana, March 3, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bills numbered 79, and 2, have this day been read a third time and concurred in as amended and are herewith transmitted.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for General File: H. Sub. for Senate Bill No. 17; H. Bills numbered 354, 372, 270, 272, 273, 306, 332, 210, 217, 202, and 231:

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Elections and Privileges, to whom was referred House Bill numbered 19, a bill for an Act entitled, "An Act to amend Section 1435, Chapter II, Part III, Title II, of the Revised Political Code of the State of Montana, relating to the duties of convassing boards, beg leave to report as follows: That said Committee have had House Bill No. 19 under consideration, recommend that same be concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Fairbanks, seconded by Sanders, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 314, a bill for an Act entitled, "An Act making appropriations for the executive and judicial departments of the state government for two years namely, from February 28, 1909, to February 28, 1910; and from February 28, 1910, to February 28, 1911," beg leave to report that having had same under consideration recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 401, a bill for an Act entitled, "An Act appropriating money to meet any pay deficiency claims for public printing, for the year ending February 28, 1909", beg leave to report that having had same under consideration recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 365 a bill for an Act entitled, "An Act appropriating money for the payment of lost bounty claims, beg leave to report that having had same under consideration, recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred

House Bill No. 367, a bill for an Act entitled, "An Act appropriating money for the payment of a deficiency claim for certain persons on acocunt of supplies furnished the state fish hatchery at Anaconda, Montana, beg leave to report that having had the same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 368, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim for services rendered and supplies furnished the Montana State Fair Association, during the year 1908, beg leave to report that having had same under consideration beg leave to report and recommned that same be concurred in.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 343, a bill for an Act entitled, "An Act to appropriate money for payment of deficiency claim of the state prison during the year ending February 28, 1909, beg leave to report that having had same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 322, a bill for an Act entitled, "An Act to appropriate money for the payment of deficiency claim for the State Deaf and Dumb Asylum for the year ending February 28, 1909, having had same under consideration recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 208, a bill for an Act entitled, "An Act appropriating money for the restoration and maintenance of old Fort Benton", having had same under consideration beg leave to report, and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 315, a bill for an Act entitled, "An Act to provide for the support of the Government of the State of Montana, for the years 1909, and 1910, having had the same under consideration, beg leave to report that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 190, a bill for an Act entitled, "An Act to amend Section 1346 of the Revised Statutes of Montana, of 1907, relating to taxes for road purposes, having had same under consideration, beg leave to report that same be not concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill returned to the House.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 248, a bill for an Act entitled, "An Act to appropriate two hundred and fifty ($250.00) dollars for the payment of the deficiency claim of Dr. D. S. McKenzie, for services as milk and meat inspector in Chouteau County, from December 1, 1904, to March 31, 1905 inclusive," having had same under consideration, beg leave to recommend that it be not concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to the House.

On motion of Meyer, seconded by Long, the following Resolution was offered and adopted:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Whereas, this is the inaugural day of William H. Taft, as President of the United States, I therefore move you that the Senate send to President William H. Taft the following telegram of congratulation:

President William H. Taft,

Washington, D. C:

The Senate of the State of Montana, begs to tender its congratulations to you upon your inauguration as President of the United States,

and wishes you every success in your administration.

W. R. ALLEN,
President of the Senate.

Motion carried and Secretary instructed to send the above telegram.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 73 was this day read a third time and concurred in, also S. B. No. 113 has been concurred in as amended by the House and are herewith returned, also Senate Bill No. 112 has been read a third time and concurred in and is also returned.

Respectfully,
CHAS. Z. POND, Chief Clerk.

The following Senate Joint Memorial was this day introduced and read:

Senate Joint Memorial No. 5.
Introduced by Muffley.

To the Honorable Senate and House of Representatives of the United States in Congress assembled.

Whereas, it was the manifest intention of Congress when the territory of Montana was admitted into the Union as a state to set aside and donate public lands to aid in the establishment of all public institutions following a long established precedent; and:

Whereas, through oversight and inadvertance no donation was made on account of the State Penitentiary, the State Asylum for the Insane nor the Orphans' Home, as was the case in other states.

Now therefore be it resolved, that we, your memorialists, petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States, lying and being within the borders of the State of Montana, 150,000 acres in aid an on account of the State Penitentiary of Montana; 150,000 acres in aid and on account of the Asylum for the Insane, and 150,000 acres in aid of and on account of the Orphans' Home.

Be it further resolved; that the Secretary of the State, be and is hereby instructed to forthwith transmit copies of this memorial properly authenticated to the Secretary of the Interior and to our Senators and Representatives in Congress.

On motion of Muffley, duly seconded rules suspended and Senate Joint Memorial No. 5, placed on final passage to-day.

On motion of Donlan, seconded by McCone, House resolved itself into Committee of the Whole for the consideration of Bills on General File, with Romney in the chair.

Committee arose.

Senate resumed.

President in the chair.

Romney, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole having had under consideration the General File of Bills, instruct me to report and recommend that,

Sub. for H. B. No. 214 be concurred in.
H. B. No. 228 be concurred in.
H. B. No. 331 be concurred in.
H. B. No. 269 be concurred in.
H. B. No. 244 be concurred in.
H. B. No. 88 be concurred in.
H. B. No. 202 be concurred in.
H. B. No. 217 be concurred in.
H. B. No. 332 be concurred in.
H. B. No. 272 be concurred in.
H. B. No. 372 be concurred in.
H. B. No. 354 be concurred in.
H. B. No. 231 be not concurred in
Sub. for H. B. No. 210 be concurred in.
H. B. No. 270 be concurred in.
House Sub. for S. B. No. 17 be concurred in.
H. B. No. 306 be concurred in.
H. B. No. 273 be concurred in.

Respectfully,

ROMNEY, Chairman.

On motion of Romney, seconded by Donlan, report adopted, and House Bills Nos. 228, 331, 269, 244, 88, 202, 217, 332, 272, 372, 254, 270, 306, 273 and Sub. for H. B. No. 214, Sub. for H. B. No. 210, and House Sub. for Senate Bill No. 17, referred to Calendar for third reading; H. B. No. 231 returned to the House.

On motion of Romney, seconded by McCarthy, House amendments to Senate Bill No. 79 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Conrow, Donlan, Fairbanks, Long, Muffley, McCarthy.—6.

Bill considered engrossed and referred to Enrolling Committee.

Selway moved, seconded by Meyer, that House amendments to Senate Bill No. 2 be not concurred in and conference committee be appointed.

The president appointed Selway, Meyer and Conrow as such conference committee.

Third reading of bills.

H. B. No. 272 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCone, McDon-

nell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Long, Muffley, McCarthy, Romney.—6.

Title agreed to.

H. B. No. 273 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer Muffley, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Long, McCarthy, Romney.—3.

Title agreed to.

H. B. No. 354 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks Kessler, Long, Metcalf, Muffley, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Edwards, Haviland, Meyer, McCarthy, Romney.—5.

Title agreed to.

Sub. for H. B. No. 214 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Metcalf, Muffley, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Haviland, Kessler, Long, Meyer, McCarthy, McCone, McDonnell, Romney.—8.

Title agreed to.

H. B. No. 228 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Selway, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Donlan, Meyer, Romney.—3.

Title agreed to.

H. B. No. 202 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Meyer, Muffley, Rae, Sanders, Selway, Tooley.—18.

Noes: Cowgill, Everett, Metcalf, McCarthy, McCone, McDonnell, Truscott.—7.

Absent and not voting: Romney, Sykes.—2.

Title agreed to.

H. B. No. 331 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Daly, Donlan, Everett, Long, Muffley, McCarthy.—6.

Title agreed to.

H. B. No. 269 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—21.

Noes: Daly, Haviland.—2.

Absent and not voting: Donlan, Fairbanks, McCone, Romney.—4.

Title agreed to.

H. B. No. 244 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley.—20.

Noes: Daly.—1.

Absent and not voting: Donlan, Long, Meyer, Muffley, Romney, Truscott.—6.

Title agreed to.

H. B. No. 88 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Donlan, Kessler, Sanders.—3.

Title agreed to.

H. B. No. 372 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McDonnell, Romney, Sanders, Selway, Tooley.—19.

Noes: None.

Absent and not voting: Cowgill, Everett, Muffley, McCarthy, McCone, Rae, Sykes, Truscott.—8.

Title agreed to.

H. B. No. 270 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Metcalf, Meyer,

McCarthy, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Haviland, Muffley, Romney.—3.

Title agreed to.

H. B. No. 306 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Edwards, Fairbanks, Kessler, Meyer, Long, Metcalf, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Haviland, Muffley.—2.

Title agreed to.

H. B. No. 332 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley.—23.

Noes: Everett.—1.

Absent and not voting: Muffley, Rae, Truscott.—3.

Title agreed to.

Sub. for H. B. No. 210, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Long, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Sykes, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Cowgill, Everett, Muffley, Rae, Romney, Selway.—6.

Title agreed to.

H. B. No. 217 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Donlan, Muffley, Romney, Selway.—4.

Title agreed to.

House Sub. for S. B. No. 17, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Donlan, Long, Muffley, Romney, Selway.—5.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Military Affairs, to whom was referred House Bill numbered 297, a bill for an Act entitled, "An Act to amend Section 2065 of the Revised Codes of Montana, 1907, providing suitable burial for deceased soldiers, sailors, and marines, having had the same under consideration beg leave to report as follows: Respectfully recommend that same be concurred in:

Respectfully,

COCKRELL, Chairman.

On motion of Donlan, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill No. 380, beg leave to report that having had same under consideration recommend that it be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Donlan, seconded by Tooley, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 291, a bill for an Act entitled, "An Act to make foreign corporations and joint stock companies of this state, for purposes of jurisdiction, and to make the stocks and shares of such corporations and joint stock companies subject to attachment, the same as the stocks and shares of domestic corporations are now subject to attachment, under the laws of this state," beg leave to report as follows, that said committee have had H. B. No. 291, under consideration and recommend that same be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Albright, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 393, a bill for an Act entitled, "An Act to defray the expenses of the Joint Committee appointed to investigate the State Orphans' Home at Twin Bridges, Montana, having had same under consideration, and recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 394, a bill for an Act entitled, "An Act appropriating money to defray the expenses of the Joint Committee appointed to investigate the State Reform School at Miles City, Montana, having had the same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 206, An Act appropriating money for the payment of salary due the State Veterinary Surgeon, under the law, having had same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 363, a bill for an Act appropriating money for the payment of deficiency claim on account of the Montana State Reform School having had same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 395, a bill for an Act appropriating money for the payment of deficiency claim for salary of the State Superintendent of Public Instruction of the State, for the quarter ending February 28, 1909, having had same under consideration recommend that same be concurred in.

Respectfully

McCONE, Chairman.

On motion of McCone, seconded by Albright, reported adopted and bill referred to Steering Comittee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 397, a bill for an Act appropriating money for the payment of the claim of certain persons for the expenses incurred in trans-

porting prisoners to the penitentiary, during the years 1908 and 1909, having had the same under consideration recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, reported adopted and bill referred to Steering Comittee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 383 a bill for an Act to appropriate money to pay the expenses incurred by the committee appointed to investigate the management of the state fair, having had the same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 387, a bill for an Act to appropriate money for payment of per diem of the officers and attaches of the Eleventh Legislative Assembly of the State of Montana, having had same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 390, an Act appropriating money to defray the expenses of a joint committee appointed to investigate the State Prison at Deer Lodge, having had same under consideration, recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

By unanimous consent Donlan introduced a bill without previous notice.

By Donlan, S. B. No. 132: A bill for an Act entitled, "An Act prohibiting lobbying by heads of State institutions and county officers."

Referred to Committee on Counties, Towns and Municipal Corporations.

Rae moved, seconded by McCarthy, that the Enrolling Committee be authorized to employ two assistant clerks.

Motion carried.

Standing Committee reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Counties, Towns and Municipal Corporations, having had Senate Bill No. 132 under consideration, being a bill for an Act entitled, "An Act prohibiting lobbying by heads of State institutions and county officers," recommend that same do pass.

Respectfully,

DONLAN, Chairman.

On motion of Donlan, seconded by Kessler, report adopted and bill referred to Printing Committee.

On motion of Donlan, seconded by Kessler, Senate recessed until 3 o'clock P. M.

Senate reconvened at 3 o'clock P. M.

President in the chair.

Roll called. Quorum present.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills numbered 391, 389, 336, 294, 240 have this day been read a third time and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that S. B. No. 95 has this day been read a third time and concurred in by the House as amended, and is herewith transmitted for your concurrence in House amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 122, having been read three several times and concurred in as amended by the House, is herewith returned to the Senate for concurrence in House amendments.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bills numbered 96, 62 and 88 have this day been read a third time and concurred in, title agreed to, and are herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills numbered 277, 289, Sub. for H. B. No. 205, Sub. for H. B. No. 29, H. J. R. No. 6, and Senate Sub. for H. C. R. No. 6, have been read three several times and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the Speaker has this day appointed as requested Messrs. Norton, Whaley and Swick as a conference committee on Senate Bill No. 2.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Mr. Speaker has appointed Messrs. Frank and Harbert as members of the joint conference committee to act in conjunction with the committee appointed by the Senate with reference to the amendments to Senate Bill No. 36.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Donlan moved, seconded by Albright, that the Senate concur in House amendments to Senate Bill No. 59, and that reading of House amendments to Senate Bill No. 59 be dispensed with.

Motion carried.

House amendments to Senate Bill No. 59 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Edwards, Haviland, Kessler, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Sykes, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Conrow, Donlan, Everett, Fairbanks, Long, Metcalf, Meyer, McCone, Selway.—9.

Bill considered re-engrossed and referred to Enrolling Committee.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 112, beg leave to report as follows: That same has been correctly enrolled.

President gave notice that he was about to sign Senate Bill No. 112, and signed same in open session.

On motion of Donlan, seconded by McDonnell, Senate concurred in House amendments to Senate Bill No. 76 by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Daly, Donlan, Everett, Fairbanks, Haviland, Metcalf, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Conrow, Cowgill, Edwards, Kessler, Long, Meyer, Sanders, Selway, Sykes.—9.

Bill considered re-engrossed and referred to Enrolling Committee.

On motion of Rae, seconded by Sanders, Enrolling Committee was authorized to employ two assistant clerks.

On motion of Donlan, seconded by Albright, Senate concurred in House amendments to Senate Bill No. 113 by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Cardwell, Conrow, Cowgill, Edwards, Long, Meyer, McCone, Selway, Sykes.—9.

Bill considered re-engrossed and referred to Enrolling Committee.

On motion of Cockrell, seconded by Edwards, Senate concurred in House amendments to Senate Bill No. 95 by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, McCarthy, McDonnell, Romney, Sanders, Tooley, Truscott.—17.

Noes: None.

Noes: Cardwell, Cockrell, Haviland, Long, MacCarthy, Romney,

Absent and not voting: Conrow, Cowgill, Daly, Long, Meyer, Muffley, McCone, Rae, Selway, Sykes.—9.

Bill considered re-engrossed and referred to Enrolling Committee.

Moved by Donlan, seconded by McDonnell, that Senate refuse to concur in House amendments to Senate Bill No. 122.

Motion carried and amendments not concurred in by the following vote:

Ayes: Albright, Annin, Cowgill, Donlan, Edwards, Everret, Fairbanks, Kessler, Metcalf, McDonnell, Rae, Sanders, Tooley.—13.
Truscott.—7.

Absent and not voting: Conrow, Daly, Meyer, Muffley, McCone, Selway, Sykes.—7.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills for general file: H. Bills No. 395, 291, 393, 380, 394, 297, 206, 363, 383, 397, 390, 387, 93, and 133.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report the following bills

for General File: House Bills numbered 367, 365, 401, 19, 208, 314, 368, 322, 315, 343, and 288.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 278, a bill for an Act to amend Chapter 106, of the Laws of 1905, being and Act to provide for the construction of drains, and the assessment and collection of taxes therefor, by amending Section 5 and 6, of Article I, Sections, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, and 19, of Aritcle 2, Section 1, 2, 3, and 4, of Article 3, Section 6, of Article 6, and Section 18 of Article 8 thereof, and by adding a Section to Article 2, thereof to be known as twenty two, and by adding a Section to Article 4, thereof, to be known as Section 10, providing for appeals from awards of special commissioners and assessments of boards of reviews, and repealing Sections 5, 11, and 12, of Article 5, thereof", having had same under consideration beg leave to report as follows, respectfully recommend that same be concurred in.

Respectfully

EDWARDS, Chairman.

On motion of Albright, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Printing to whom was referred Senate Bill numbered 132, beg leave to report that same has been correctly printed.

Respectfully,

SANDERS, Chairman.

Report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 400, an Act making appropriations for the State Institutions of Montana, for the period ending February 28, 1910, and February 28, 1911, having had under consideration beg leave to report as follows: Amend Section 1, by inserting after the words "for Dry Farm Investigation, nine thousand dollars", the following: "For Dry Farming Experiments, Beaverhead Valley $250.00"; Amend Section 2 by inserting after the words "For Dry Farm Investigatons, nine thousand dollars," the following, "For Dry Farming Experiments, Beaverhead Valley, $250.00", and as so amended the bill be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Insurance, to whom was referred House Bill

No. 360, a bill for an Act entitled, "An Act to permit foreign surety companies to do business in this state and regulating the method thereof," having had same under consideration beg leave to report as follows: Recommend that same be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by McCarthy, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Fish and Game to whom was referred House Bill numbered 251, a bill for an Act entitled, "An Act to repeal Section 1817 and amend Section 1976, and 1977, of the Revised Codes of Montana, 1907, relating to Hunting and Fishing Licenses, the manner of issuing the same and providing a penalty for the violation of this Act," having had the same under consideration beg leave to report as follows: Respectfully recommend that the same be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by McCarthy, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Fish and Game to whom was referred House Bill numbered 275, a bill for an Act entitled, "An Act to amend Section 1961 of the Revised Codes of Montana, authorizing and empowering the State Game and Fish Warden to create additional game and fish districts, and to appoint additional special Deputy Game and Fish Wardens." having had same under consideration, beg leave to report as follows: That the bill be amended by striking out the word "ten" and the figure "10" whereever the same appear in Section 1 of said bill and substituting in lieu thereof the word "seven", and the figure "7", and as amended the bill be concurred in".

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Fish and Game to whom was referred House Joint Resolution No. 13 relative to appointment of Mrs, Chas. B. Peyton, Deputy Game and Fish Warden for the term of four years," having had the same under consideration beg leave to report as follows: That the bill be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by McCarthy, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Commtitee on Federal Relations, to whom was referred House Joint Resolution No. 7, relative to opening of Flathead Indian Reservation, having had the same under consideration, beg leave to report and recommend that same be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Everett, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred House Bill numbered 284, being a bill for an Act entitled, "An Act to amend 'An Act to determine the liability of persons or corporations operating railways or railroads in this state, for damages sustained by employees thereof, and to declare void contracts restricting such liability,' which Act was approved March 16, 1905, and to provide for the determination of the liability to persons and corporations operating railways and railroads in this state for damages sustained by employees thereof, and the heirs and personal representatives, of such employees in case of death, and to declare void contracts restricting such liabilities," having had same under consideration, beg leave to report and recommend that it be concurred in.

Respectfully,

EVERETT, Chairman.

On motion of Everett, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred House Joint Resolution No. 5, having had the same under consideration respectfully report and recommend that same be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Everett, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 9, relating to sale of intoxicating liquors on Flathead Reservation, having had the same under consideration, respectfully report and recommend that same be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Everett, report adopted and bill referred to Steering Committee.

The following communications from the House were received and read.

House of Representatives, Helena, Montana, March 3, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 59 was to day read a third time and cocurred in as amended, title agreed to, and also House Bill No. 194, was read a third time and passed, title agreed to, and they are herewith transmitted for your concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that House Bill No. 271, having been read three several times and passed, also, H. J. R. No. 12; H. B. No. 245; H. B. No. 384, having been read three several times and passed are herewith transmitted to the Senate for its concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.
Mr. President:

I am directed by the House to inform your Honorable Body, that Sub. H. B. No. 182, H. Bills Nos. 238, 204, and 309 have this day been read a third time and passed, title agred to, and are herewith transmitted for your concurrence.

Respectfully,
CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.
Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 321, introduced by Harbert, a bill for an Act entitled, "An Act to appropriate the sum of five hundred and seventy dollars, to pay the Cut Bank Mercantile Company, certain bounty claims upon certain coyote scalps, lost in transmission to the County Clerk of Teton County, Montana during the year, 1908", having had the same under consideration recommend that same be concurred in.

Respectfully,
McCONE, Chairman.

On motion of Albright, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.
Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 320, a bill for an Act to pay employees of the Senate and House, as provided in Section 209, Part III, Chapter II, Article IV, and as provided for in Sections 223, Title I, Chapter II, Article V, of the Political Code, State of Montana," having had the same under considera-

tion, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by Annin, report adopted and bill referred to Steering Committee:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 10, "An Act appropriating money for the erection, furnishing and equipment of a Hospital at the Montana State School for the Deaf, Blind and Feeble Minded, at Boulder, Montana," having had the same under consideration, recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by Annin, report adopted, and biil referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 366, introduced by Committee on Appropriations, an Act appropriating moneys for the payment of bounty claims not executed in legal form, having had the same under consideration, recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by Annin, report adopted, and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill No. 294, a bill for an Act requiring persons who treat communicable diseases to make report to the Health Officer, beg leave to report that having had same under consideration recommend that it be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred H. B. No. 163, an Act appropriating money for the erecting and furnishing of a Woman's Dormitory at the Montana, Agricultural College, at Bozeman, Montana, having had same under consideration recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Albright, seconded by Edwards, report adopted and bill referred to Steering Committee.

The following communication from His Excellency the Governor was

received and read:

Executive Office, Helena, Montana.

March 4, 1909.

The President of the Senate,

Senate Chamber,

Helena, Montana:

I have the honor to advise you that the following Senate Bills have been approved and deposited with the Secretary of State:

No. 34: An Act prohibiting marriage between white persons and negroes, persons of negro blood, and between white persons, Chinese, and Japanese, and making such marriage void, and prescribing punishment for sloemnizing such marriages.

No. 49: An Act to amend Section 2654 of the Revised Codes of Montana, of 1907, relating to tax deeds and to fix the limit of time in which actions to set aside or annull tax deeds may be brought.

No. 50: An Act to amend Section 1680 of the Revised Codes of Montana 1907, relating to the powers and duties of the State Coal Mine Inspector.

No. 111: An Act to give boards of County Commissioners power to offer rewards for apprehension and conviction of persons guilty of crime to employ or authorize the employment of Stock Inspectors, and to employ or authorize the employment of special council in criminal actions and in actions to which the county is a party.

EDWIN L. NORRIS, Governor.

Executive Office, Helena, Montana.

March 4, 1909.

The President of the Senate,

Senate Chamber, Helena, Montana:

I hereby nominate and by and with the consent of the Senate do appoint the following persons to the offices named:

Phil Greenan to be Adjutant General for the term of four years.

J. H. Hall, to be Commissioner of the Bureau of Agriculture, Labor and Industry for the term of four years.

James Dailey to be Inspector of Boilers for the term of four years.

Stephen Parker to be Assistant Inspector of Boilers for the term of four years.

W. W. Mapes to be Assistant Inspector of Boilers for the term of four years.

H. H. Pigott to be State Examiner for the term of four years.

William Walsh to be Inspector of Mines for the term of four years.

William B. Orem to be Deputy Inspector of Mines for the term of four years.

Frederick H. Ray to be Register of State Lands for the term of four years, commencing March 20, 1909.

J. M. Kennedy to be Secretary of the Bureau of Child and Animal Protection for the term of four years.

J. J. Ryan to be Clerk of Consolidated Boards for the term of four years commencing March 25, 1909.

H. H. Ewing to be Judge of the District Court of the Eighth Judicial

District for the term ending the first Monday in January 1911.

Will Aiken to be Private Secretary to the Governor for the term of four years.

W. W. Caffee, to be Assistant Secretary and Stenographer to the Governor for the term of fuor years.

EDWIN L. NORRIS, Governor.

On motion of McCarthy, seconded by Edwards, nominations by Governor confirmed by Senate.

On motion of Donlan, seconded by Edwards, Senate reconsidered vote by which Senate concurred in House Amendments to Senate Bill No. 59.

Donlan moved, seconded by Romney, that House Amendments to Senate Bill No. 59 be not concurred in and that the President appoint a conference committee to confer with a like committee from the House.

Motion carried.

President appointed, Donlan, Cowgill, Romney, as such conference committee.

The following House Bills were read first and second times and referred:

By Kilgallon, H. B. No. 391: A bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claim for salary of the members of the supreme court and the district judges of the state for the quarter ending February 28, 1909.

Referred to Committee on Finance and Claims.

By Byrnes, H. B. No. 389: A bill for an Act entitled, "An Act to prevent the sale of the shares of the Stock of any mining corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all real estate owned by corporation of which said shares of stock are sold, and providing penalties for a violation thereof.

Referred to Committee on Corporations other than Municipal.

By Bogart, H. B. No. 240: A bill for an Act entitled, "An Act to amend Sections 213 and 214 of the Revised Codes of Montana, 1907, relating to the salary and expense of, and the Assistants to the State Examiner."

Referred to Committee on Corporations other than Municipal.

By Smith, H. B. No. 294: A bill for an Act entitled, "An Act requiring persons who treat communicable diseases to make report to the Health Officer."

Referred to Committee on Education.

By Clayberg, H. B. No. 194: A bill for an Act entitled, "An Act to provide for the collection and display of an Exhibit of the resources and products of the State of Montana at th Alaska-Yukon-Pacific Exposition to be held at Seattle, Washington, in 1909, and providing an appropriation therefor.

Referred to Committee on Finance and Claims.

By Clayberg, H. B. No. 336: A bill for an Act entitled, "An Act to provide for the medical aid and assistance for injuries received by railroad trainmen or employees of railroads during the course of their

employment and providing for the payment therefor."

Referred to Committee on Railroads and Transportation.

By Owenhouse, H. B. No. 309: A bill for an Act to provide for the permanent improvement of main highways by extension of county aid for such purposes, to provide the manner of petitioning for such improvement for the levying of assessments upon lands benefited thereby, for payment of a part of the costs thereof."

Referred to Committee on Roads, Highways and Bridges.

By Committee on Railroads and Transportations, Sub. for H. B. No. 182: A bill for an Act entitled, "An Act to provide for certain appliances, rules and regulations looking to the safety of the traveling public, and employees upon railway trains and to confer upon the railroad commission of Montana certain powers in relation thereto.

Referred to Committee on Railroads and Transportation.

By Witmer, H. B. No. 204: A bill for an Act entitled, "An Act to amend Section 1959 of the Revised Codes of Montana of 1907, relating to the seizure and sale of game or parts thereof and of fish caught or held in violation of law and prescribing penalties."

Referred to Committee on Fish and Game.

By Edgerton, H. B. No. 238: A bill for an Act entitled, "An Act to amend Sections 2680, and 2682, of the Revised Codes relating to tax sales and real property."

Referred to Committee on Judiciary.

By McCoy, H. B. No. 374: A bill for an Act entitled, "An Act to amend Sections 613, 615, and 625 of the Revised Codes of Montana, of 1907, relating to Elections and Voting, where voting machines are used.

Referred to Committee on Privileges and Elections.

By Brynes, H. B. No. 289: A bill for an Act entitled, "An Act to provide for the selection of Umpire Assayors, within this State, and providing penalties for the violation thereof."

Referred to Committee on Public Morals.

By Connelly, H. J. R. No. 6: Relating to the employment of persons confined in the State Prison in the State of Montana."

Referred to Committee on Education.

By Thompson, Substitute for H. B. No. 205: A bill for an Act entitled, "An Act prohibiting the abondonment of sheep by herders and others, and fixing penalties therefor."

Referrel to Committee on Stock Growing and Grazing.

By Brewster, Sub. for H. B. No. 29: A bill for an Act entitled, "An Act requiring the State Board of Land Commissioners to relinquish undesirable lands to which the state is entitled under the land grants embraced in the United States Forest Reservation, and make lieu selections in place thereof of Agricultural and Grazing Lands."

Referred to Committee on Public Lands.

By Pierson, H. B. No. 277: A bill for an Act entitled, "An Act to define banking, to prohibit banking except by banks incorporated under National or Montana Banking Laws or by Foreign Banking Corporations, complying with Montana Laws, limiting use of words "Bank", "Banker" or "Banking", exempting private banks doing business at the time of

the approval thereof from the act and fixing penalties for violation thereof."

Referred to Committee on Corporations other than Municipal.

By Harbert, H. J. M. No. 12: Relative to Kootenai Forest Reserve.

Referred to Committee on Federal Relations.

By MacGinniss, H. B. No. 271: An Act to punish the making or use of false statements to obtain credit."

Referred to Committee on Corporations other than Municipal.

By Frank, H. B. No. 245: A bill for an Act entitled, "An Act to provide for non-partisan nominations for judicial offices."

Referred to Committee on Judiciary.

By Mitchell, H. B. No. 384: A bill for an Act entitled, "An Act providing for the issuance of state licenses for automobiles used and operated in the State of Montana, and providing penalties for the operation of automobiles without first procuring such licenses."

Referred to Committee on Education.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 76, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 76 and signed same in open session.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File, with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

H. B. No. 291 be concurred in.
H. B. No. 394 be concurred in.
H. B. No. 297 be concurred in.
H. B. No. 206 be concurred in.
H. B. No. 363 be concurred in.
H. B. No. 383 be concurred in.
H. B. No. 397 be concurred in.
H. B. No. 93 be concurred in.
H. B. No. 393 be concurred in.
H. B. No. 133 be concurred in.
H. B. No. 367 be concurred in.

Sub. B. for H. B. No. 314 be amended by inserting after line 272 of the printed bill the following: "for salary of assistant clerk, one thousand eight hundred dollars, for the expenses of the publicity bureau, five thousand dollars." Amend Section 2, line 361, so as to read: "For salary of stenographer of the Supreme Court, two thousand four hundred dollars." Amend Section 1, line 176, so as to read: "For salary of stenographer of the Supreme Court, two thousand four hundred dollars". Amend Section 1 by striking out in line 25 the word "one" after "thousand" and inserting in lieu thereof the word "four." Amend Section 1 by changing lines 150 and 151 to read as follows: "For the salary of four assistants, seven thousand two hundred dollars," and as so amended the bill be concurred in.

H. B. No. 365 be concurred in.
H. B. No. 395 be concurred in.
H. B. No. 401 be concurred in.
H. B. No. 19 be concurred in.
H. B. No. 322 be concurred in.
H. B. No. 315 be concurred in.
H. B. No. 343 be concurred in.
H. B. No. 288 be concurred in.
H. B. No. 380 be concurred in.
H. B. No. 208 be concurred in.
H. B. No. 368 be concurred in.
H. B. No. 390 be concurred in.
H. B. No. 387 be concurred in.
Sub. for H. B. No. 251 be concurred in.
H. J. R. No. 13 be concurred in.
H. B. No. 275 be concurred in.
S. B. No. 132 do pass.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Edwards, report adopted and House Bills Nos. 291, 394, 297, 206, 363, 383, 397, 93, 393, 133, 367, 365, 395, 401, 19, 322, 315, 343, 288, 380, 208, 368, 390, 387, 275, Sub. for H. B. No. 214, Sub. for H. B. 251, H. J. R. No. 13 referred to Calendar for third reading; S. B. No. 132 referred to Engrossing Committee.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee beg leave to report the following bills for General File: S. B. No. 132. H. B. No. 275, Sub. H. B. No. 251, H. J. R. No. 13.

Respectfully,

EDWARDS, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Stock Growing and Grazing, to whom was referred H. B. No. 205, a bill for an Act entitled, "An Act prohibiting

the abandonment of sheep by herders and others, and fixing penalties therefor," beg leave to report as follows: That said Committee having had House Bill No. 205 under consideration, recommend that same be concurred in.

Respectfully,

SELWAY, Chairman.

On motion of Selway, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill No. 359, a bill for an Act entitled, "An Act relating to banks and banking, and providing for the creation of a surplus fund," beg leave to report as follows: That said committee, having had H. B. No. 259 under consideration, recommend that same be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Kessler, report adopted, and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Public Morals, having had under consideration H. B. No. 289, being an Act to provide for the selection of umpire assayers, within this State and providing penalties for violation thereof, beg leave to report with the recommendation that said bill be concurred in.

Respectfully,

MUFFLEY, Chairman.

On motion of Muffley, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred Sub. for H. B. No. 182, a bill for an Act entitled, "An Act to provide for certain appliances, rules and regulations looking to the safety of the traveling public and employees upon railway trains, and to confer upon the Railroad Commission of Montana certain powers in relation thereto," beg leave to report as follows: That we have had the same under consideration, and recommend that it be concurred in.

Respectfully,

EVERETT, Chairman.

On motion of Everett, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President.

Your Committee on Education, to whom was referred House Joint Resolution No. 6, relating to the employment of prisoners confined in the State Prison in the State of Montana, beg leave to report that

having had the same under consideration recommend that it be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Annin, report adopted and Resolution referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 238, a bill for an Act entitled, "An Act to amend Sections 2680, and 2682, of the Revised Codes, relating to tax sales of real property," having had the same under consideration beg leave to report as follows: Respectfully recommend the bill be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, duly seconded, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred Hose Bill numbered 245, a bill for an Act entitled, "An Act to provide for non partisan nominations for Judicial offices," having had the same under consideration beg leave to report as follows: Respectfully recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Romney, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Fish and Game, to whom is referred House Bill numbered 204, a bill for an Act entitled, "An Act to amend Section 1959, of the Revised Codes of Montana, of 1907, relating to the seizure and sale of game or parts thereof, and of fish caught or held in violation of law, and prescribing penalties," having had same under consideration beg leave to report as follows: Respectfully recommend that same be concurred in.

Respectfully,

ANNIN, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Steering Committee.

The following communications from the House received and read.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Speaker has appointed Messrs, MacGinniss, Norton and Murray as a conference committee to act with a like committee from the Senate

in regard to Senate Bill No. 59.

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the House has rejected the report of the conference Committee on Senate Bill No. 2.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Conference Committee appointed to confer with a like committee from the House on amendments to Senate Bill No. 2, beg leave to report as follows: We recommend that House amendment to Senate Bill No. 2, be concurred in by the Senate.

Respectfully,

SELWAY, Chairman.

On motion of Selway, seconded by Tooley, House amendments to Senate Bill No. 2, concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cowgill, Daly, Donlan, Edwards, Everett, Haviland, Kessler, Meyer, Muffley, McCone, Rae, Romney, Sanders, Selway, Sykes, Tooley.—19.

Noes: None.

Absent and not voting: Cockrell, Conrow, Fairbanks, Long, Metcalf, McCarthy, McDonnell, Truscott.—8.

Bill considered engrossed and referred to Enrolling Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Conference Committee, to whom was referred Senate Bill No. 59, beg leave to report as follows, that we recommend that adoption of the House Amendments.

Respectfully,

COWGILL, Chairman.

House Amendments to Senate Bill No. 59 concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cowgill, Daly, Donlan, Edwards, Everett, Kessler, McCarthy, McCone, Selway, Sykes, Tooley, Truscott.—15.

Noes: None.

Absent and not voting: Cockrell, Conrow, Fairbanks, Haviland, Long, Metcalf, Meyer, Muffley, McDonnell, Rae, Romney, Sanders.—12.

Bill considered engrossed and referred to Enrolling Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Education, to whom was referred House Bill numbered 384, a bill for an Act entitled, "An Act for the issuance of state license to Automobiles, used and operated in the State of Montana, and providing for penalties for the operation of automobiles without

first procuring such license. Beg leave to report and recommend that same be concurred in.

Respectfully,

TOOLEY, Chairman.

On motion of Tooley, seconded by Rae, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Public Lands, having had House Bill No. 29 under consideration, recommend that same be concurred in.

Respectfully,

COWGILL, Chairman.

On motion of Cowgill, seconded by Everett, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 79, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 79, and signed same in open session.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 73 and 96 beg leave to report as follows: That same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bills numbered 73 and 96 and signed same in open session.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Railroads and Transportation, to whom was referred House Bill No. 336, a bill for an Act entitled, "An Act to provide for the medical aid and assistance for injuries received by railroad trainmen or employees of railroads during the course of their employment and providing for the payment thereof." Report having had the same under consideration, recommend that it be concurred in.

Respectfully,

EVERETT, Chairman.

On motion of Everett, seconded by Selway, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bills Nos. 240 and 277, beg leave to report as follows,

that same be referred to Steering Committee.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Kessler, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal, to whom was referred House Bill numbered 389, a bill for an Act entitled, "An Act to prevent of the sale of the shares of stock of any mining corporation unless the selling agent shall first exhibit to the purchaser thereof a certified abstract of title of all the real estate owned by corporations of which said shares of stock are sold, and providing penalties for a violation thereof," beg leave to report as follows: That said committee having had same under consideration, recommend that House Bill No. 389 be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 88 and 95, beg leave to report as follows, that same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bills Nos. 88 and 95, and signed same in open Session.

Cowgill asked unanimous consent to amend Senate Bill No. 132.

No objections amendment received as follows:

Amend Title of Senate Bill No. 132 by inserting after the word "and" where it occurs before the word "County" the following words: "State and". Amend Section 1, by inserting after the word "county", the following words: "state and".

Third reading of bills.

S. B. No. 132, read a third time and passed by the following vote:

Ayes: Annin, Cardwell, Cockrell, Cowgill, Donlan, Edwards, Everett, Haviland, Kessler, Meyer, McCone, McDonnell, Rae, Romney, Sanders, Sykes.—16.

Noes: Conrow, Muffley, Selway, Truscott.—4.

Absent and not voting: Albright, Daly, Long, Metcalf, McCarthy, Tooley, Fairbanks.—7.

Title agreed to.

Donlan by unanimous consent, was allowed to amend House Bill No. 314 as follows: Amend Section 1 by inserting at line No. 136 of the printed bill the following: For salary of State Accountant, for Board of Examiners, eighteen hundred dollars". By inserting in Section 2 at line 321 of the printed bill after the word "dollars" the following: "For

salary of State Accountant for the Board of Examiners, eighteen hundred dollars."

President gaven notice that he was about to sign Sub. for H. B. Nos. 24 and 32, and signed same in open Session.

H. B. No. 291, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McDonnell, Rae, Sanders, Selway, Sykes, Tooley, Truscott.—20.

Noes: None.

Absent and not voting: Albright, Cowgill, Fairbanks, Long, McCarthy, McCone, Romney.—7.

Title agreed to.

H. B. No. 206, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McDonnell, Romney, Selway, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Cowgill, Fairbanks, Long, McCarth,y, McCone, Rae, Sanders.—8.

Title agreed to.

H. B. No. 394, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Everett Fairbanks, Haviland, Kessler, Meyer, Muffley, McDonnell, Romney, Selway, Sykes, Tooley, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Cowgill, Long, Metcalf, McCarthy, McCone, Rae, Sanders.—8.

Title agreed to.

H. B. No. 297, read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Everett, Haviland, Kessler, Metcalf, Meyer, McDonnell, Romney, Sanders, Selway, Tooley, Truscott.—17.

Noes: None.

Absent and not voting: Albright, Cowgill, Edwards, Fairbanks, Long, Muffley, McCarthy, McCone, Rae, Sykes.—10.

Title agreed to.

H. B. No. 363 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Edwards, Haviland, Kessler, Metcalf, McDonnell, Rae, Sanders, Selway, Toley, Truscott.—15.

Noes: None.

Absent and not voting: Albright, Cowgill, Donlan, Everett, Fairbanks, Long, Meyer, Muffley, McCarthy, McCone, Romney, Sykes.—12.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills to whom was referred Senate Sub. for House Concurrent Resolution No. 6 beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Sub. for H. C. R. No. 6, and signed same in open Session.

H. B. No. 383 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Edwards, Haviland, Kessler, Metcalf, McCone, McDonnell, Rae, Romney, Sanders, Selway, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Cowgill, Donlan, Everett, Fairbanks, Long Meyer, Muffley, McCarthy, Selway.—9.

Title agreed to.

H. B. No. 397 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Daly, Edwards, Haviland, Kessler, Metcalf, McCone, McDonnell, Rae, Sanders, Selway, Tooley, Truscott.—17.

Noes: None.

Absent and not voting: Cowgill, Donlan, Everett, Fairbanks, Long, Meyer, McCarthy, Muffley, Sykes, Romney.—10.

Title agreed to.

H. B. No. 93 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Edwards, Haviland, Metcalf, Meyer, Muffley, McCone, Rae, Sanders, Selway, Tooley, Truscott.—16.

Noes: None.

Absent and not voting: Albright, Cowgill, Daly, Everett, Fairbanks, Kessler, Long, McCarthy, McDonnell, Romney, Sykes.—11.

Title agreed to.

H. B. No. 393 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Haviland, Metcalf, Muffley, McCarthy, McCone, Rae, Romney, Sanders, Tooley, Truscott.—17.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Everett, Fairbanks, Kessler, Long, Meyer, McDonnell, Selway, Sykes.—10.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 62, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 24, 76, 80 and 112, beg leave to report as follows: That same have been signed by the Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfuly,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 62 and signed same in open session.

H. B. No. 133 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, Sanders, Truscott.—17.

Noes: None.

Absent and not voting: Everett, Fairbanks, Long, McCone, McDonnell, Rae, Romney, Selway, Sykes, Tooley.—10.

Title agreed to.

H. B. No. 367 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McDonnell, Rae, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Cockrell, Long, Muffley, McCone, Romney, Sanders, Selway, Tooley.—8.

Title agreed to.

H. B. No. 365 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McDonnell, Sanders, Sykes, Truscott.—16.

Noes: None.

Absent and not voting: Cockrell, Edwards, Kessler, Long, Muffley, McCone, Rae, Albright, Romney, Selway, Tooley.—11.

Title agreed to.

H. B. No. 395 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan,

Everett, Fairbanks, Haviland, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Sanders, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Albright, Edwards, Kessler, Long, McCone, Rae, Romney, Selway, Tooley.—9.

Title agreed to.

H. B. 401 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Sanders, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Edwards, Long, McCone, Rae, Romney, Selway, Tooley.—8.

Title agreed to.

H. B. No. 19 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCone, McDonnell, Sanders, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Albright, Edwards, Long, McCarthy, Rae, Romney, Selway, Tooley.—8.

Title agreed to.

H. B. No. 322 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Sanders, Sykes, Truscott.—21.

Noes: None.

Absent and not voting: Albright, Long, Rae, Romney, Selway, Tooley.—6.

Title agreed to.

H. B. No. 315 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McDonnell, Rae, Sanders, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Albright, Cockrell, Edwards, Long, Muffley, McCone, Romney, Selway, Tooley.—9.

Title agreed to.

H. B. No. 343 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Cowgill, Daly, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McDonnell, Sanders, Selway.—16.

Noes: None.

Absent and not voting: Cockrell, Donlan, Edwards, Long, Muffley, McCone, Rae, Romney, Sykes, Tooley, Truscott.—11.

Title agreed to.

Sub. for H. B. No. 288 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Sanders, Selway, Truscott.—20.

Noes: None.

Absent and not voting: Edwards, Long, McCone, Rae, Romney, Sykes, Tooley.—7.

Title agreed to.

H. B. No. 380 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Haviland, Kessler, Metcalf, Meyer, McCone, McDonnell, Rae, Sanders, Selway, Sykes, Truscott.—20.

Noes: Fairbanks, Muffley.—2.

Absent and not voting: Edwards, Long, McCarthy, Romney, Tooley.—5.

Title agreed to.

H. B. No. 208 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Everett, Fairbanks, Kessler, Metcalf, Meyer, Muffley, Rae, Sanders, Selway, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Edwards, Haviland, Long, McCarthy, McCone, McDonnell, Romney, Tooley.—8.

Title agreed to.

H. B. No. 368 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Cowgill, Daly, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, Rae, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Donlan, Edwards, Fairbanks, Long, McCarthy, McCone, McDonnell, Romney, Tooley.—9.

Title agreed to.

H. B. No. 390 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCone, McDonnell, Sanders, Selway, Sykes, Truscott.—19.

Noes: None.

Absent and not voting: Daly, Donlan, Edwards, Long, McCarthy, Rae, Romney, Tooley.—8.

Title agreed to.

H. B. No. 387 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Everett, Fairbanks, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Selway, Sykes, Truscott.—18.

Noes: None.

Absent and not voting: Donlan, Edwards, Haviland, Kessler, Long, Muffley, Rae, Romney, Tooley.—9.

Title agreed to.

Sub. for H. B. No. 251 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Kessler, Long, Metcalf, Muffley, McCarthy, McCone, Rae, Sanders, Selway, Sykes, Truscott.—17.

Noes: Albright, Cowgill, Everett, Fairbanks, Meyer, McDonnell.—6.

Absent and not voting: Edwards, Haviland, Romney, Tooley.—4.

Title agreed to.

H. J. R. No. 13 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Truscott, Sykes.—20.

Noes: Selway.—1.

Absent and not voting: Daly, Edwards, Fairbanks, Romney, Tooley, Haviland.—6.

Title agreed to.

H. B. No. 275, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Donlan, Long Muffley, McCarthy, McCone, Rae, Sanders, Sykes, Truscott.—14.

Noes: Cowgill, Everett, Fairbanks, Metcalf, McDonnell.—5.

Absent and not voting: Daly, Edwards, Haviland, Kessler, Meyer, Romney, Selway, Tooley.—8.

Title agreed to.

H. B. No. 314, read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Fairbanks, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Sanders, Sykes, Truscott.—20.

Noes: None.

Absent and not voting: Daly, Edwards, Haviland, Long, Romney, Selway, Tooley.—7.

Title agreed to.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Roads, Highways and Bridges, to whom was referred House Bill No. 309, a bill for an Act entitled, "An Act to pro-

vide for permanent improvements of main highways by extension of county aid for such purposes etc, beg to report as follows: That we have had same under consideration and recommend it be concurred in.

Respectfully,

SYKES, Chairman.

On motion of Sykes, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Federal Relations, to whom was referred House Joint Memorial No. 12 relative to Kootenai Forest Reserve, beg leave to report that having had same under consideration, recommend that it be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims to whom was referred House Bill No. 391 a bill for an Act entitled, "An Act appropriating money for the payment of the deficiency claim for salary of the members of the Supreme Court and the district judges of the state, for the quarter ending February 28, 1909, beg leave to report that having had same under consideration, recommend that same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Sykes, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Corporations other than Municipal to whom was referred House Bill No. 271, "An Act to punish the making or use of false statements to obtain credit, beg leave to report as follows: That same having been under consideration, recommend that same be concurred in.

Respectfully,

MEYER, Chairman.

On motion of Meyer, seconded by Donlan, report adopted, and bill referred to Steering Committee.

On motion of Donlan, seconded by McCone, Senate recessed until 8 o'clock P. M.

Senate reconvened at 8 o'clock P. M.

President in the chair.

Roll called. Quorum present.

On montion of Donlan, seconded by Albright, Senate recessed until 8:45 P. M.

Senate reconvened at 8:45 P. M.

President in the chair.

Roll called. Quorum present.

The following communication from His Excellency the Governor received and read:

Executive Office, Helena, Montana.

March 4, 1909.

The President of the Senate,
Senate Chamber,
Helena, Montana:

I have the honor to advise you that the following Senate Bills have been approved and deposited with the Secretary of State:

No. 30: An Act to provide for the issue and sale by the State Board of Examiners, of bonds for the purpose of erecting wings to the State Capitol Building and to provide for the erection of said wings under the authority and direction of said State Board of Examiners.

No. 51: An Act to create a Board of Examiners, for examining applicants for the position of Coal Mine Inspector of the State of Montana and prescribe the qualification of applicants, and prescribing the rights and duties and fixing the compensation of such Board of Examiners and the manner of appointing said Coal Mine Inspector of the State of Montana.

No. 52: An Act to provide for the appointment of boards of examiners for applicants of certain positions in and around coal mines, prescribing their duties and term of office, and providing for the salaries of such boards.

No. 56: An Act to create a State Accident Insurance and Total Permanent Disability Fund for coal miners, and employees at coal washers in the State of Montana, and providing for the maintenance and management of the same; extending and defining the duties of the State Auditor and fixing the penalties for the violation of the provisions of this Act.

No. 112: An Act providing for the furnishing and use of blank form books for the recording of stock subscriptions and contracts, and of articles of incorporation and stock certificates of water users' associations, organized under the National Reclamation Act, and prescribing the fees for such recording.

EDWIN. L. NORRIS, Governor.

The following Communications from the House were received and read:

House of Representatives, Helena, Montana, March 4. 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that Senate Bill No. 65, has been read three several times and concurred in and is herewith returned.

Respectfully,
CHAS. Z. POND, Chief Clerk.

Bill referred to Enrolling Committee.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that

in Committee of the Whole the Enacting Clause was stricken out of Senate Bill No. 130 and the same is herewith returned.

Senate Joint Memorial No. 5, having been read and adopted, is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 88, 79, 95, 73, 96, 62 and Senate Sub. for H. C. R. No. 6, beg leave to report that same have been signed by the Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Labor and Capital, to whom was referred House Bill No. 350, a bill for an Act entitled, "An Act for the protection of employees discharged from their employment and providing penalties for the violation of this Act," beg leave to report as follows: That said committee, having had H. B. No. 350 under consideration, recommend that same be concurred in.

Respectfully,

LONG, Chairman.

On motion of McCarthy, seconded by Long, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909

Mr. President:

Your Steering Committee beg leave to report the following bills for General File: House Bills numbered 360, 278, 162, 320, 321, 366, 400, 245, 336, 204, 205, 359, 289, 240 and 309 and Sub. H. B. No. 10, H. J. Rs. Nos. 5 and 6.

Respectfully,

EDWARDS, Chairman.

On motion of McCone, seconded by Donlan, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend that:

H. B. No. 360 be concurred in.

H. B. No. 278 be concurred in.

H. B. No. 162 be concurred in.
H. B. No. 320 be concurred in.
H. B. No. 321 be concurred in.
H. B. No. 366 be concurred in.
H. B. No. 400 be concurred in.
H. B. No. 245 be concurred in.
H. B. No. 204 be concurred in.
H. B. No. 309 be concurred in.
Sub. for H. B. No. 205 be concurred in.
H. B. No. 336 be concurred in.
H. B. No. 359 be concurred in.
H. B. No. 289 be concurred in.
H. B. No. 240 be concurred in.
Sub. for H. B. No. 10 be concurred in.
H. J. R. No. 5 be concurred in.
H. J. R. No. 6 be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Albright, report of Committee of the Whole adopted, and House Bills Nos. 360, 278, 162, 320, 321, 366, 400, 245, 204, 309, 359, 336, 289, 240, and Sub. for H. B. No. 205, Sub. for H. B. No. 10, H. J. R. No. 5, H. J. R. No. 6 referred to Calendar for Third reading.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909

Mr. President:

Your Steering Committee beg leave to report House Bill No. 374 for General File.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, duly seconded, Senate resolved itself into Committee of the Whole for the Consideration of Bills on General File, with McCarthy in the chair.

Committee arose.

Senate resumed.

President in the chair.

McCarthy, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909

Mr. President:

Your Committee of the Whole, having had under consideration House Bill No. 374, instruct me to report and recommend that: H. B. No. 374 be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Albright, report adopted and H. B. No. 374 referred to Calendar for third reading.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the House has concurred in Senate amendments to Substitute House Bill No. 314.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Privileges and Elections, to whom was referred House Bill No. 374, a bill for an Act entitled, "An Act to amend Sections 613, 615 and 625 of the Revised Codes of Montana, 1907, relating to elections and voting where voting machines are used," beg leave to report as follows: That the said Committee having had House Bill No. 374 under consideration, recommend that same be concurred in.

Respectfully,

FAIRBANKS, Chairman.

On motion of Albright, seconded by Fairbanks, report adopted, and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 65, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 65, and signed same in open session.

Third reading of bills.

H. B. No. 240 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Sanders, Selway, Sykes, Truscott.—20.

Noes: None.

Absent and not voting: Daly, Edwards, Long, Muffley, Rae, Romney, Tooley.—7.

Title agreed to.

Sub. for H. B. No. 10 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Truscott.—22.

Noes: None.

Absent and not voting: Daly, Everett, Long, Rae, Tooley.—5.

Title agreed to.

H. B. No. 400 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McDonnell, Romney, Sanders, Selway, Sykes, Truscott.—23.

Noes: None.

Absent and not voting: Haviland, McCone, Rae, Sykes.—4.

Title agreed to.

H. B. No. 162 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, Muffley, McCarthy, McCone, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: Cowgill, McDonnell.—2.

Absent and not voting: Albright, Rae.—2.

Title agreed to.

H. B. No. 366 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley Truscott.—23.

Noes: None.

Absent and not voting: Kessler, Long, Muffley, Albright.—4.

Title agreed to.

President gave notice that he was about to sign House Bills Nos. 108, 306, 273, 256, 52, 44, 269, Sub. H. B. 171, 272, H. B. No. 201, 270, Sub. for H. B. No. 214, H. B. No. 280, 372, 354, 331, 243 and 346, and signed same in open session.

Sub. H. B. No. 205 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Romney, Everett, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Albright, Long, Muffley, Rae.—4.

Title agreed to.

H. B. No. 204 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Haviland, Fairbanks, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Albright, Long.—2.

Title agreed to.

H. B. No. 321 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Albright, Everett, Long.—3.

Title agreed to.

H. B. No. 360 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Albright, Long.—2.

Title agreed to.

H. B. No. 359 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Albright, Long, Rae.—3.

Title agreed to.

H. B. No. 278 concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Albright, Long, Muffley.—3.

Title agreed to.

H. B. No. 320 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Albright, Donlan, Kessler, Long, Muffley.—5.

Title agreed to.

H. B. No. 289 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Albright, Donlan, Long, Muffley.—4.

Title agreed to.

H. B. No. 245 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Sykes, Selway, Tooley, Truscot.—24.

Noes: None.

Absent and not voting: Albright, Donlan, Muffley.—3.

Title agreed to.

H. B. No. 309 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Albright, Donlan, Muffley.—3.

Title agreed to.

H. J. R. No. 5 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Albright, Donlan, Long, Muffley.—4.

Title agreed to.

H. J. R. No. 6 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Albright, Long.—2.

Title agreed to.

H. B. No. 374 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Metcalf, McCarthy, McCone, McDonnell, Meyer, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—25.

Noes: None.

Absent and not voting: Albright, Muffley.—2.

Title agreed to.

Long offered the following Resolution:

Senate Chamber, Helena, Montana, March 4, 1909.

RESOLVED, that the thanks of the Senate be extended to the President, the Secretary, the Assistant Secretary, the Sergeant at Arms, and all of the employees of the Senate, for their faithfulness, fidelity and unfailing courtesy, to all of the Senators, and the President is especially thanked for his uniform, fairness impartiality, and consideration toward the whole Senate, and particularly towards the minority.

Respectfully,

LONG.

On motion of McCarthy, seconded by Long, resolution adopted.

On motion of Truscott, seconded by McCarthy, the Resolution spread upon the minutes of the Journal.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 65 beg leave to report as follows: That the same has been signed by the Speaker of the House and is now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

On motion of Donlan, seconded by Edwards, Senate recessed for 30 minutes.

Senate reconvened.

President in the chair.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 120 beg leave to report as follows, that same has been correctly enrolled:

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 120 and signed same in open session.

President gave notice that he was about to sign House Bills, numbered 387, 292, 322, 365, 206, 291, 210, 88, 390, 208, 228, and H. J. R. No. 13 and signed same in open Session.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report for General File House Bill No. 284.

Respectfully.

EDWARDS, Chairman.

Report adopted and bill referred to General File.

On motion of Edwards, seconded by McCone, Senate resolved itself into Committee of the Whole for consideration of House Bill No. 284 with Romney in the chair.

Committee arose.

Senate resumed.

President in the chair.

Romney, chairman of Committee of the Whole reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole having had under consideration House Bill No. 284, instruct me to report and recommend that:

H. B. No. 284 be amended by striking out Section 2, of the bill, and substituting in lieu thereof, as Section 2 the following:

Section 2. In case of the death of any such employee whether instantaneously or otherwise, in consequence of any injury or damage so sustained, the right of action shall survive and may be prosecuted and maintained by his heirs or personal representatives, and as so amended the bill be concurred in.

Respectfully,

ROMNEY, Chairman.

On motion of Annin, seconded by Long, report adopted and bill referred to calendar for third reading:

Donlan moved, seconded by Fairbanks, all bills in hands of Standing and Steering Committees be indefinitely postponed.

Motion carried.

Meyer moved, seconded by Edwards, to reconsider vote just taken.

Donlan moved as a substitute, seconded by Annin, that previous motion be laid on table.

Substitute motion carried.

Third reading of bills.

H. B. No. 284, read a third time and concurred in by the following vote; as amended:

Ayes: Annin, Cardwell, Cockerell, Conrow, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, Long, Meyer, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Tooley, Truscott.—21.

Noes: None.

Absent and not voting: Albright, Cowgill, Metcalf, Rae, Sykes, Daly.—6.

Title agreed to.

The attaches of the Senate offered the following vote of thanks:

Senate Chamber, Helena, Montana, March 4, 1909.

To the President and Senators of the Eleventh Legislative Assembly.

We, the Senate Attaches of the Eleventh Legislative Assembly desire to express our genuine appreciation and sincere gratitude to you for your uniform courtesy and kindness towards us. We consider it an event in our lives, a privilege to be coveted; to have had the association of sixty of such high minded and courteous gentlemen, as we have met here from day to day.

If we have done our duty in a minor way, and with some degree of efficiency to aid you in your larger and more responsible duties to the people we shall feel grateful indeed.

At this parting of the ways we take our several paths into the

unknown tomorrows, with the conviction that our association with you, shall be of pleasantest memory and shall be to us a source of moral inspiration and strength.

Signed,

NATHAN GODFREY.
CHAS. B. GIBBS.
O. O. BITLE.
JAMES F. McNAMEE.
Committee.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 18, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 18 and signed same in open session.

Committee on Enrolled Bills, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 55, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 55 and signed same in open session.

The following communication from His Excellency the Governor received and read:

Executive Office, Helena, Montana.

March 4, 1909.

The President of the Senate,
Senate Chamber,
Helena, Montana:

I have the honor to advise you that the following Senate Bills have been approved and deposited with the Secretary of State:

No. 24: An Act to increase the duties of the Commissioner of the Bureau of Agriculture, Labor and Industry; etc.

No. 76: An Act relating to the government management, control and finances of the University of Montana; etc.

No. 62: An Act to amend Sections 1711, and 1712, of the Revised Codes of Montana, 1907, relating to the salary of Inspector and Deputy Inspector of Mines.

No. 73: Concerning the investment of the funds of the State Normal School; etc.

No. 88: An Act relating to the exhibiting of hides of slaughtered cattle; etc.

Senate Sub. for H. C. R. No. 6: Relative to the classification of mineral lands in the Northern Pacific Land Grants.

EDWIN L. NORRIS, Governor.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills numbered 18, 120, 2 and 55, beg leave to report as follows: That same have been signed by the Speaker of the House and are now in the Hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 119, 100 and 113, beg leave to report as follows: That same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Joint Memorial No. 5, beg leave to report as follows: That the same has been correctly enrolled.

Respectfully,

RAE, Chairman.

President gave notice that he was about to sign Senate Bills Nos. 113, 100, 119, Senate Joint Memorial No. 5, and signed same in open session.

The following House bills were read first and second times and referred:

By Committee on Appropriations, H. B. No. 362: A bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphan's Home at Twin Bridges, Montana."

Referred to Committee on Finance and Claims.

By Clayberg, H. B. No. 335: A bill for an Act entitled, "An Act regulating the labor of jailors in counties of the first, second and third classes, and amending Section 3119 of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs, and the salaries to be paid the latter."

Referred to Committee on Judiciary.

By Committee on Appropriations, H. B. No. 366: A bill for an Act entitled, "An Act appropriating money for the payment of bounty claims not executed in legal form."

By Kilgallon, H. B. No. 206: A bill for an Act entitled, "An Act appropriating money for the payment of salary due the State Veterinary Surgeon under the law."

Referred to Committee on Finance and Claims.

By Byrnes, H. B. No. 263: A bill for an Act entitled, "An Act imposing a license tax on companies operating sleeping cars."

Committee on Finance and Claims reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill numbered 362, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claims of certain persons for services rendered and supplies furnished the State Orphans' Home at Twin Bridges, Montana," beg leave to report that we have had the same under consideration and recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Albright, report adopted and bill referred to Steering Committee.

Moved by Tooley, seconded by Meyer, that McCone be elected President Pro Tem of the Senate.

Substitute motion by Muffley, duly seconded, that McCarthy be elected President Pro Tem of the Senate.

McCarthy withdrew.

McCone unanimously chosen President Pro Tem of the Senate.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 17, 351, 385, 375, 358, 378 and 242 have this day been read third time and passed and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Judiciary Committee reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 335, an Act regulating the labor of jailors in counties of the first, second and third classes, and amending Section 3119 of the Revised Codes of Montana, 1907, relating to the number of deputy clerks and sheriffs and the salary to be paid to the latter, beg leave to report as follows: Recommend that the same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by Albright, report adopted and bill referred to Steering Committee.

The following bills were read first and second times and referred:

By Committee on Appropriations, H. B. No. 378: A bill for an Act appropriating money for the payment of deficiency claims for the mainte-

nance of the National Guard authorized by the State Board of Examiners.

Referred to Committee on Finance and Claims.

By Committee on Appropriations, H. B. No. 242: A bill for an Act appropriating money for the payment of deficiency claims on account of Capitol building and grounds maintenance and care.

Referred to Committee on Finance and Claims.

By Connelly and Pierson, H. B. No. 385: A bill for an Act entitled, "An Act appropriating money for the relief of certain persons by the payment of certain persons for horses slaughtered by the State and Deputy State Veterinary Surgeons in Custer and Carbon Counties, Montana."

Referred to Committee on Finance and Claims.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill numbered 125, beg leave to report as follows: That the same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill numbered 125, and signed same in open session.

The following House bill read first and second times and referred:

By Duncan, H. B. No. 17: A bill for an Act to amend Sections 861 and 862 of the Civil Code, being Sections 4225 and 4226 of the Revised Codes of 1907, relating to religious, social and benevolent corporations, and providing that two or more religious, social and benevolent corporations may incorporate con-jointly.

Referred to Committee on Judiciary.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 242, a bill for an Act entitled, "An Act appropriating money for the payment of deficiency claim on account of capitol building and grounds maintenance and care," beg leave to report that, having had same under consideration, recommend that it be concurred in.

Respectfully,

McCONE, Chairman.

On motion of Annin, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Finance and Claims, to whom was referred House Bill No. 378, a bill for an Act appropriating money for payment of deficiency claims for the maintenance of the National Guard, authorized

by the State Board of Examiners, recommend that the same be concurred in.

Respectfully,

McCONE, Chairman.

On motion of McCone, seconded by Annin, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Judiciary, to whom was referred House Bill No. 17, a bill for an Act to amend Sections 4225 and 4226 of the Revised Codes of Montana of 1907, relating to religious, social and benevolent corporations, and providing that two or more religious, social and benevolent corporations may incorporate con-jointly, having had the same under consideration, beg leave to report as follows: Respectfully recommend that same be concurred in.

Respectfully,

EDWARDS, Chairman.

On motion of Edwards, seconded by McCone, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee beg leave to report the following bills for General File: H. Bs. 242, 335, 362, 17, 378.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

On motion of Annin, seconded by McCone, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with Romney in the chair.

Committee arose.

Senate resumed.

President in the chair.

Romney, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that:

H. B. No. 242 be concurred in.

H. B. No. 17 be concurred in.

H. B. No. 362 be concurred in.

H. B. No. 335 be concurred in.

H. B. No. 378 be concurred in.

Respectfully,

ROMNEY, Chairman.

On motion of Romney, duly seconded, report adopted and bills referred to Calendar for third reading.

Third reading of House bills.

H. B. No. 242 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Conrow, Edwards, Fairbanks, Kessler, Muffley, McCarthy, McCone, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—15.

Noes: None.

Absent and not voting: Cardwell, Cockrell, Cowgill, Daly, Donlan, Everett, Haviland, Long, Metcalf, Meyer, McDonnell, Rae.—12.

Title agreed to.

H. B. No. 17 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Conrow, Edwards, Fairbanks, Kessler, Muffley, McCarthy, McCone, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—16.

Noes: None.

Absent and not voting: Cardwell, Cowgill, Daly, Donlan, Everett, Haviland, Long, Metcalf, Meyer, McDonnell, Rae.—11.

Title agreed to.

H. B. No. 362 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Conrow, Edwards, Everett, Fairbanks, Kessler, McCarthy, McCone, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—16.

Noes: None.

Absent and not voting: Cardwell, Cockrell, Cowgill, Daly, Donlan, Haviland, Long, Metcalf, Meyer, Muffley, McDonnell.—11.

Title agreed to.

H. B. No. 335 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Edwards, Everett, Fairbanks, Kessler, McCarthy, McCone, Rae, Romney, Sanders, Selway, Tooley, Truscott.—17.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Daly, Donlan, Haviland, Long, Metcalf, Meyer, Muffley, McDonnell.—10.

Title agreed to.

H. B. No. 378 read a third time and concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Conrow, Edwards, Everett, Fairbanks, Kessler, McCarthy, McCone, Rae, Romney, Sanders, Selway, Sykes, Truscott.—16.

Noes: None.

Absent and not voting: Cockrell, Cowgill, Daly, Donlan, Haviland, Long, Metcalf, Meyer, Muffley, McDonnell, Tooley.—11.

Title agreed to.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 14, beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 14, and signed same in open session.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills Nos. 268, 357, 136, 286 and 276 have this day been read a third time and passed, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Edwards, duly seconded, House Bills Nos. 268, 357, 136, 286 and 276 indefinitely postponed.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Substitute House Bill No. 55 has this day been read a third time and passed, title agreed to; also H. B. No. 355 was read a third time and passed, title agreed to, and are herewith transmitted for your concurrence

Respectfully,

CHAS. Z. POND, Chief Clerk.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that House Bills Nos. 342, 392, 323, 326 have been read three several times and passed, and are herewith transmitted to the Senate for its concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 125, 113, 119, 100 and Senate Joint Memorial No. 5, beg leave to report as follows: That same have been signed by the Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

On motion of Edwards, duly seconded, the following House bills were indefinitely postponed: H. Bs. 326, 323, 392, Sub. H. B. 348, H. Bs.

327, 258, 375, 351 and Sub. H. B. No. 55.

On motion of Tooley, duly seconded, H. B. No. 342 read first and second times and referred to Committee on Public Morals.

Standing Committees reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Public Morals, to whom was referred House Bill No. 342, beg leave to report as follows: That same be concurred in.

Respectfully,

TOOLEY, Acting Chairman.

On motion of Tooley, seconded by Edwards, report adopted and bill referred to Steering Committee.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report for General File H. B. No. 342.

Respectfully,

EDWARDS, Chairman.

On motion of Donlan, seconded by Edwards, Senate resolved itself into Committee of the Whole for consideration of Bills on General File, with Kessler in the chair.

Committee arose.

Senate resumed.

President in the chair.

Kessler, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills, instruct me to report and recommend that H. B. No. 342 be concurred in.

Respectfully,

KESSLER, Chairman.

On motion of Annin, seconded by Tooley, report adopted and bill referred to Calendar for third reading.

The following communication from the House was received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the House has not concurred in Senate amendments to House Bill No. 284.

Respectfully,

CHAS. Z. POND, Chief Clerk.

H. B. No. 342 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Donlan, Edwards, Everett, Fairbanks, Haviland, Kessler, McCarthy, Romney, Sanders, Selway, Tooley.—15.

Noes: Daly.—1.

Absent and not voting: Albright, Cowgill, Long, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Sykes, Truscott.—11.

Title agreed to.

The president gave notice that he was about to sign House Bills numbered 332, 359, 19, 162, 222, 275, 363, 315 and House Sub. for S. B. No. 17, and signed same in open session.

The following communications from the House were received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Joint Resolution No. 6, Senate Bills Nos. 109, 63, 105 and 97 have this day been read a third time and concurred in and are herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bills referred to Enrolling Committee.

President gave notice that he was about to sign House Bills Nos. 320, 217, 336, 291, 401, Sub. for H. B. No. 251, and H. J. R. No. 5.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that the following Senate Bills have been read today a third time and concurred in: 123, 120, 100, 90, 119, 114, and Senate Concurrent Resolution No. 1, and Senate Bills Nos. 55 and 131.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bills referred to Enrolling Committee.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your honorable body that Senate Bill No. 125 has this day been read a third time and concurred in as amended and is herewith returned.

Respectfully,

CHAS. Z. POND, Chief Clerk.

On motion of Donlan, seconded by Tooley, House amendments to Senate Bill No. 125 were concurred in by the following vote:

Ayes: Albright, Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Donlan, Edwards, Everett, Kessler, Metcalf, Meyer, Muffley, McCone, McDonnell, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—23.

Noes: None.

Absent and not voting: Fairbanks, Haviland, Long, McCarthy.—4.

Bill considered re-engrossed and referred to Enrolling Committee.

Steering Committee reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Steering Committee begs leave to report for General File

House Bills Nos. 271 and 291.

Respectfully,

EDWARDS, Chairman.

Report adopted and bills referred to General File.

On motion of Donlan, duly seconded, Senate resolved itself into Committee of the Whole for the consideration of Bills on General File, with McCarthy in the chair.

Committee arose.

President in the chair.

McCarthy, chairman of Committee of the Whole, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee of the Whole, having had under consideration the General File of Bills instruct me to report and recommend, that,

H. B. No. 271 be concurred in.

H. B. No. 391 be concurred in.

Respectfully,

McCARTHY, Chairman.

On motion of McCarthy, seconded by Everett, report adopted and bills referred to Calendar for Third Reading.

House Amendments to Senate Bill No. 113, concurred in by the following vote:

Ayes: Albright, Annin, Cockrell, Daly, Donlan, Edwards, Fairbanks, Haviland, Kessler, Metcalf, Muffley, McCarthy, McDonnell, Rae, Romney, Sanders, Tooley, Truscott.—18.

Noes: None.

Absent and not voting: Cardwell, Conrow, Cowgill, Everett, Long, Meyer, McCone, Selway, Sykes.—9.

Bill considered re-engrossed and referred to Enrolling Committee.

H. B. No. 336 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Fairbanks, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnel, Rae, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—24.

Noes: None.

Absent and not voting: Albright, Donlan, Long.—3.

Title agreed to.

H. B. No. 271 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Conrow, Cowgill, Daly, Edwards, Everett, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—19.

Noes: Cockrell, Haviland.—2.

Absent and not voting: Albright, Donlan, Fairbanks, Kessler, Long. Rae,—6.

Title agreed to.

H. B. No. 391 read a third time and concurred in by the following vote:

Ayes: Annin, Cardwell, Cockrell, Conrow, Cowgill, Daly, Edwards, Everett, Haviland, Kessler, Metcalf, Meyer, Muffley, McCarthy, McCone, McDonnell, Romney, Sanders, Selway, Sykes, Tooley, Truscott.—22.

Noes: None.

Absent and not voting: Albright, Donlan, Fairbanks, Long, Rae.—5.

Title agreed to.

Committee on Enrolled Bills, reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 2 beg leave to report as follows: That same has been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill No. 2 and signed same in open session.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 123, beg leave to report as follows, that same has been correctly enrolled.

Respectfully,

RAE, Chairman.

The following communications from the House received and read:

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that the Joint Conference Committee appointed by the Senate with reference to amendment made by the House to Senate Bill No. 36 recommend that the House recede from its amendment. Motion to adopt carried. Signed by all the Joint Committee.

Respectfully,

CHAS. Z. POND, Chief Clerk.

Bill referred to Enrolling Committee.

House of Representatives, Helena, Montana, March 4, 1909.

Mr. President:

I am directed by the House to inform your Honorable Body, that House Bills Nos. 379, 362, 327, and Sub. H. B. No. 348 have been read three several times, and passed, title agreed to, and are herewith transmitted for your concurrence.

Respectfully,

CHAS. Z. POND, Chief Clerk.

The President gave notice that he was about to sign H. B. Nos. 397, 245, 394, 367, 321, 395, 289, 383, 366, 393, Sub. for H. B. No. 205, Sub. for H. B. No. 208, Sub. for H. B. No. 10, and Senate Bill No. 123, and signed the same in open sesion.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 131 and 109, beg leave to report as follows, that same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Report adopted and President gave notice that he was about to sign Senate Bill Nos. 131 and 109; H. J. R. No. 6; H. Bills Nos. 362, 297, 242, 374, 204, 343, 360, 271, 368, 278, 380, and Sub for H. B. No. 136 and signed same in open session.

President gave notice that he was about to sign House Bills Nos. 335, 133, 342, 378, 93, 17, 309, H. J. R. No. 8 and Sub for H. B. No. 209, and signed same in open session.

Committee on Enrolled Bills reported as follows:

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 36, 90, 97, 105, 59, 63, S. J. R. No. 6, S. C. R. No. 1, beg leave to report that same have been correctly enrolled.

Respectfully,

RAE, Chairman.

Senate Chamber, Helena, Montana, March 4, 1909.

Mr. President:

Your Committee on Enrolled Bills, having had under consideration Senate Bills Nos. 131, 123, 14, 109, 36, 90, 97, 105, 59 and 63, S. J. R. No. 6, S. C. R. No. 1, beg leave to report that same have been signed by the Speaker of the House and are now in the hands of His Excellency the Governor.

Respectfully,

RAE, Chairman.

Committee from the House of Representatives notified the Senate that the House was ready to adjourn.

The President gave notice that he was about to sign Senate Bills Nos. 59, 105, 97, 90, 36, 63, S. C. R. No. 1, S. J. R. No. 6, and signed same in open session.

The President gave notice that he was about to sign House Bill No. 400 and Substitute for H. B. No. 14, and signed same in open session.

On motion of Edwards, seconded by Everett, the President appointed a Committee consisting of Edwards, Donlan and McCarthy to wait on His Excellency the Governor and notify him that the Senate is now ready to adjourn, and ask him if he has any further communications to make.

On motion of Edwards, seconded by Everett, the President appointed a committee consisting of Everett, Cockrell and Truscott to notify the House that the Senate had finished its business and was ready to adjourn sine die.

The committee appointed to notify the House that the Senate wa-

ready to adjourn reported that it had performed its duty, and committee was discharged.

The committee to wait on His Excellency the Governor reported that it had performed its duty and that the Governor had no further communications to make. Committee discharged.

On motion of Donlan, seconded by McCarthy, the Senate of the Eleventh Legislative Assembly adjourned sine die.

Approved: W. R. ALLEN, President.

NATHAN GODFREY, Secretary.

We hereby certify that the foregoing, consisting of pages from 1 to 433 inclusive, constitutes and is the journal of the Senate of the Eleventh Legislative Assembly of the State of Montana.

W. R. ALLEN, President of the Senate.

Attest: NATHAN GODFREY, Secretary of the Senate.